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GOVERNMENT  
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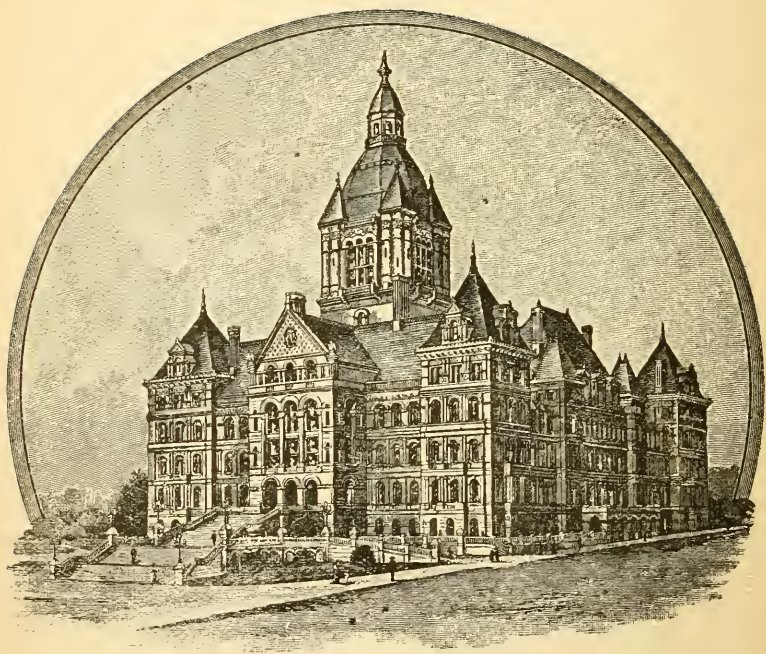
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# A MANUAL OF Civil Government

*Designed especially for use in the  
Schools of New York State.*

BY

HENRY C. COON, A.M., M.D., PH.D.

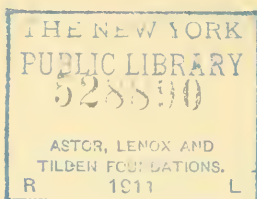
*Formerly Professor of Civics and Chemistry in Alfred University, and Councilor in  
the American Institute of Civics.*

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Henry C. Coon

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## PREFACE.

The essentials of Civics or Civil Government should be understood by every citizen and should be taught in all our schools. This manual has been developed from notes given to classes, and plans formed while the author was teaching the subject in Alfred University, and contains a brief statement of general principles; the history of the constitutions and elements of the governments of the United States and New York, with their constitutions, and such definitions of terms as seem necessary.

These can be expanded or abridged by the teacher to meet the needs of the various classes. The subject matter has been obtained from many sources, and has been revised to conform to the new constitution of the State of New York, and the laws of 1897. In offering this book to the public, the author has yielded to the earnest and oft repeated solicitations of students and teachers, and inasmuch as the value of a clear and widespread knowledge of this subject cannot be overestimated, this volume is submitted with the hope that it may contribute something to this end. The author wishes to acknowledge his obligations to L. C. Rogers, D. D., Professor of Political Science and History in Alfred University, for help in reading the proof and for many valuable suggestions; also to H. A. Baker, Esq., Hornellsville N. Y., and Chas. Stillman, Esq., of Alfred, Secretary of the Board of Supervisors of Allegany county, for helps on legal questions.

The author received his first inspiration in this subject from the study of "Young's First Government Class Book," and many valuable suggestions from his subsequent works.

ALFRED, N. Y., 1897.

HENRY C. COON.

# A Manual of Civil Government.

## CHAPTER I.

### DEFINITIONS AND GENERAL PRINCIPLES.

.. CIVICS\* (Latin, *civis*—a citizen). The body of knowledge or science which devotes itself to the consideration of citizenship relations, including the reciprocal relations of government and citizenship. Civics seeks to properly co-ordinate, as parts of an integral science, the essential truths with which the citizen must be familiar in order to the best use of his powers and privileges. It includes

I. ETHICS. The doctrine of duties in society. In other words, the study and setting forth of the conditions in human character which are essential to the welfare of the citizen, society and government. As right character is the natural source of right actions, the science of civics first concerns itself with the facts which underlie and account for these essential characteristics of the good citizen.

II. CIVIL POLITY. Governmental methods and machinery; suffrage, rights and obligations, the qualifications and duties of public officials; executive, legislative and judicial affairs, and all other matters having relation to the orderly and proper administration of government.

III. LAW. The principles and facts of the law in application most directly involving the interest of society, and especially of the citizen and the government.

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\* Divisions, as given by Henry Randall Waite, President of The American Institute of Civics, in "Political Science News."

IV. ECONOMICS. The principles or laws which explain the production, distribution and ownership of that which constitutes, or is technically called, wealth.

V. SOCIOLOGY. The science of society in all its relations, and the care of the dependent, defective and delinquent classes.

VI. HISTORY. Collateral facts illustrative of tendencies and results growing out of given conditions, considered in connection with ethic, civil polity, law, sociology, and economics."

GOVERNMENT (from the Latin, *gubernare*) is control. Government is the instrument or agent which society uses to secure justice and progress. It is used in two senses: 1st. It consists of customs, rules or laws commanding what society wishes to have done, and forbidding what it does not wish to have done. 2d. It consists of the rulers or officers whose business it is to have these rules or laws enforced.

Divine government is the control of God over his creatures.

Family government is the control of parents over their children and other members of the family.

School government is the control of the teacher over the scholars, aided by the trustee when necessary.

Civil government is the control of the state or nation over its citizens or inhabitants, or according to Alden, "the powers and laws established by which the will of the state is expressed and executed."

Three things are necessary for the maintenance of a good government:

1st. Intelligence to determine what is right.

2d. A will to choose the right.



3d. Power in the government to enforce the right.

#### ORIGIN OF GOVERNMENT.

Civil society was ordained by God. It arises from man's social nature, and results in the family, the tribe and the nation. - It is not a voluntary association, nor is it a civil compact, but it exists necessarily. It is a trust committed to society by the Creator, which it must accept, and for which it is responsible.

#### AUTHORITY FOR GOVERNMENT—WHENCE DERIVED.

In the divine it inheres in God's nature.

In the nation it is derived from the consent of all the states represented.

In the state the people have retained from the nation the authority necessary for the regulation of its own local affairs.

In the state and nation the authority comes from the people to whom it was given by their Creator.

In a monarchy it has been wrested from the people or established by common consent, and so it is claimed to be inherited.

#### OBJECT OF CIVIL GOVERNMENT.

To make and execute laws for the good of the governed. Man is born subject to the law of rectitude (as he is to other laws), and this enforced gives justice, which results in security against wrong. The maintenance of justice furnishes the best condition for the exercise and consequent development of man's varied powers. The enforcement of justice gives liberty. Ignorance and selfishness require government.

Liberty is the power and the right to do or not to do a thing, or the right of free choice, exemption from restraint, other than that which the good of

others requires. It is not a license, which is a permit to do something which would be unlawful, or which needs regulation.

Justice is right, or contemplates the right according to established law. The practice of rendering to every man his due, and has reference to man's relation to man, and finds expression in the second table of the Decalogue.

Right is straight, or conforming to rule or law. A just claim.

Righteous (Anglo-Saxon, right-wise) is upright from religious principle, and has reference to man's relation to God, which helps him to determine his relation to his fellow man, and finds its expression in the first table of the Decalogue.

Equity according to the law of nature. Natural justice. The application of the principles of right and reason in the determining or in the administration of justice.

Governments govern according to law.

Law in a general sense is a rule of action prescribing what shall be done and what shall not be done.

1. In the state it is the will of the controlling power, which becomes a rule of action for the governed.

2. A rule of conduct prescribed by the supreme power of the state.

3. In general, it is a rule of action established by recognized authority to enforce justice and direct duty.

4. In science law is the constant and regular mode according to which an energy acts.

5. According to Ganot. It is the constant relation which exists between any phenomena and its

cause. It is said of law. "Its home is in the bosom of God and its voice is the harmony of the world."

#### KINDS OF LAW.

I. Divine, established by the supreme Law-giver.

II. Human, established by man; relating to civil or municipal governments. These may be divided into written and unwritten.

I. (a) The written divine law is that which is revealed in God's word as his will to man for his guide and salvation, and is found in the Bible.

(b) The unwritten divine law is that which is revealed in God's works, which we call natural laws. These are His thoughts manifested in the universe, which, when man discovers and classifies, however imperfectly, he calls science. There is, there can be, no conflict between the revealed and the natural laws because they emanate from the same all-wise source, and any apparent conflict comes from man's imperfect knowledge and false interpretation of these laws.

II. (a) The written human laws are

1st. The Constitution, "which is the fundamental law which determines the form of government and defines and limits its powers." It is the foundation law to which all others must conform. It is usually established by the will of the people, as in the United States.

2d. Statute Laws. Those passed by the legislative authority. These must conform to the Constitution of the state and nation under which they are made.

(b) The unwritten human laws are

1st. Common Law, established by custom, as in England.

2d. International Law, which consists of rules

for national intercourse recognized by all civilized nations. It is as yet defective in not having an international legislative, judiciary or executive, and the injured nation can only appeal to the sense of justice, or if this fails, to war. Such differences should be settled by arbitration.

3d. Canon or Ecclesiastical Law, regulating the affairs of the Church.

These laws are also classified as

1st. Civil or Municipal Law, which relates to business and property relations, or laws regulating the everyday conduct of life, and business transactions, including those directing the officers of government in their duties. This includes commercial law, which includes the regulation of trade and commerce. Suits under these are brought in the name of individuals as plaintiff and defendant.

2d. Criminal Law, which relates to the violation of law, or the infringement of the natural and political rights of man, and the non-performance of public and official duties. Prosecutions for crimes are brought in the name of the state, or as it is often called, in behalf of the people.

All human laws must conform to the divine law or they are not binding.

To secure the execution of laws and obedience to the government, they must be enforced by adequate penalties for their violation or infringement. Certainty of conviction for crime and speedy execution of the sentence are strong safe-guards against the commission of crime. Gladstone says, "It is the function of government to make it easy to do right and hard to do wrong."

OBLIGATIONS OF THE GOVERNMENT TO ITS CITIZENS.

1st. To secure justice.

2d. To promote the general welfare.

3d. To defend the state and its citizens.

1st. To secure justice is to secure a person in the exercise of his rights, both civil or natural, and political. The natural or civil rights are

(a) Personal security, or the right to enjoy life, health and reputation.

(b) Personal liberty, or the right to speak and act without restraint, except that which the good of others requires.

(c) Private property, or the right to acquire, own and use, for one's own benefit and for others, as one may choose.

(d) Religious liberty, or the right of free choice in matters of conscience and religion, and the right to worship God according to the dictates of conscience.

The political rights are

(a) The right to share in the establishing of a government.

(b) The right to share in its administration by voting and holding office.

These rights are usually conferred or limited by the Constitution, but may be modified by the statutes. All these rights are limited by the rights of others and of the state, and may be forfeited by crime.

Civil liberty is the ground for individual and national prosperity, and true national prosperity secures the improvement and happiness of its citizens. In securing these rights for its citizens, which is the aim of every true government, it has the right

(a) To restrain its citizens for the good of the whole.

(b) To tax for its support.

(c) To demand help and even life for its protection, when necessary.

(d) The right of Eminent Domain, or the right to use private property for the public good, after just compensation therefor.

2d. Governments promote the general welfare by securing those things that will aid man and encourage him in the development of his higher nature. It secures these

(a) By establishing justice, which furnishes security to its citizens in all their rights.

(b) By aiding measures of public utility and convenience, such as building roads and bridges, establishing post offices, coining money, etc.

(c) By fostering industries, as in surveying coasts, providing harbors, furnishing maps and charts, publishing weather reports, protecting seamen by ships of war, encouraging authors and inventors by copy and patent rights; farmers by agricultural schools and experiment stations; manufactures by duties and imports.

(d) By providing for education and general culture, in aiding schools, and establishing museums, art galleries, parks, libraries, etc.

(e) Prevents by laws profanity, vulgarity, obscenity, and lotteries, and punishes disorders in public gatherings and in society.

The education that it encourages should impress upon those that receive its benefits not only the principles and truths of science and art, but of justice, morality and religion.

3d. The government is under obligations to defend the state and its citizens against foreign and domestic enemies. As a nation it guarantees protection to each state and to each citizen at home and abroad. In doing this it must be prompt and vigorous, using all its resources, wealth, personal service, and lives of its subjects, if necessary. It may enter on others'

domain to redress its wrongs, but it has no right to engage in war for the acquisition of territory.

But if governments have their duties and obligations, so also citizens have their duties and obligations. for, as Dr. Lieber (late professor of law in Columbia University) says, "There is no right without a parallel duty, no liberty without the supremacy of law, and no high destiny without perseverance.

The obligations of citizens to the government are to support its authority.

(a) By respecting and obeying its laws and the officers of government.

(b) By furnishing means for its support.

(c) By fighting when necessary for its defense.

(d) By voting for proper officers.

(e) By using influence and example to correct its evils.

True patriotism demands these, and if the government does not receive them it deteriorates and becomes corrupt and weakened in its power and influence, and is more easily destroyed. There are two dangers to which our government is especially liable. The first is the failure on the part of its citizens to obey the first, fourth and fifth of these obligations, and the second is the tendency on the part of those who obtain office to feel and act as though the government is for their personal benefit, or for the party which they represent, instead of being for the good of the whole people who chose them to act in their stead. This results in the spoils system and the strife and intrigue to get control of the government, which lowers the public conscience and degrades the public service.

Civil Service Reform has for its object the improvement of the civil service of the government, both in state and nation, by making the tenure of



office more certain. This tends to remove the appointment to office from the immediate partizan or political control. This will help to overcome these evils. Qualification and fitness should be the open door to public office.

Nation—A people or community associated together and organized under one civil government, and ordinarily dwelling together in distinct territory. A political community organized under a distinct government recognized and conformed to by the people as supreme. It is of divine origin, founded in man's nature, and its chief aim is to widen man's sphere of social effort and guide his activity in that sphere.

The word state is used in two different senses:

1st. As a nation, meaning the whole body of people living within certain limits of territory organized and united under one government.

2d. As a state or commonwealth, a division of a nation regulating its own local affairs but subject to the general government.

Nations are formed when they recognize the authority of the government or adopt their constitution.

In the case of states in a nation, they must be recognized by the nation's authority or admitted into the union as in the United States. They are corporations, which are an association of persons authorized by law to transact business as an individual. They are of two kinds:

1st. Public or municipal, such as are organized for the purpose of government. Its organic law is the constitution, which usually provides for the organization of other corporations within its limits, as cities and towns. In these individuals become members without their consent if a resident of the included territory.

2d. Private, or those that are organized for busi-



ness or other purposes, such as banks, railroads, insurance companies, and churches, schools and hospitals. These receive their authority from the government, and usually by special or general statute law. Persons become members of these by choice.

Nations receive their authority from the people or by their consent, and are subject to their will. Private corporations receive theirs from the government and are subject to its laws.

Difference between the state or nation and the government:

A nation is the whole body of people organized for control, in which the sovereignty resides. Government is that part of the whole body of the people who are authorized to exercise the control.

The power belonging to the nation is given by the Creator to the people. The power belonging to the government is received from the nation through its people, to be used only for the benefit of the people.

Governments change by the will of the people at stated times determined by the constitution. Nations and states remain unless overthrown by violence, or by the people yielding up their corporate powers to be merged into others for the common good.

The trite saying of President Lincoln that "Ours is a government of the people, for the people, by the people," expresses the keynote of our government, for its constitution can only be changed by the people, and the three functions of the government are carried on by representatives elected by the people under the constitution.

## FORMS OF GOVERNMENT.

A Definition of a Republic—A form of government where the people usually adopt their own constitution and elect persons to represent them in the three functions of government. These functions or departments are

- 1st. The Legislative, which make the laws.
- 2d. The Judicial, which interpret the laws.
- 3d. The Executive, which executes the laws.

Other countries have other forms of government. These are classified as an Aristocracy, a government by the nobles; Democracy, a government by the people; Monarchy, a government by a ruler, who usually inherits the position and holds it during life.

Monarchies are classified as absolute and limited. Absolute, where the authority is not limited by a constitution or laws. Limited, where the authority is limited by a constitution and laws which restricts the sovereign in the exercise of the power in favor of the people.

These different forms of government vary in the rights they give to the rulers, and to the people, and in the forms of the constitutions they have as the foundations of the government.

The constitution of Great Britain consists of established usages. It is not written like ours, as a special organic law, nor was it adopted by the people, but it was a growth or evolution as the people advanced in civilization and wrested from their rulers their rights. The obtaining of the Magna Charta from King John in 1215, in the Valley of Runnymede, by the Barons, is an example of how some of the rights were obtained. It is composed of all the great charters and statutes enacted from time to time since King John left the throne of England, 1216, with such

customs and precedents as have the sanction of long usage.

The Legislature of Great Britain consists of the House of Lords, composed of Lords Spiritual and Lords Temporal, and is presided over by the Lord Chancellor, Lord Keeper of the Great Seal.

There are 26 Lords Spiritual. Of these 2 are archbishops and 24 are bishops. The Lords Temporal in England are hereditary, and their number varies because the king has power to create peers. Of these there are 16 Scotch peers elected for one year, 28 Irish elected for life. From England there are 6 princes of the blood, 21 dukes, 22 marquises, 116 earls, 25 viscounts, 299 barons, making in all 558 members.

The House of Commons. This in 1885 consisted of 670 members chosen by the people. These are elected in England as follows:

From counties 253, boroughs 227, universities 5. Scotland—counties 39, boroughs 31, universities 2. Ireland—counties 85, boroughs 16, universities 2. This was established by Earl Simon de Montfort, who, in 1265, called 2 citizens from each city, 2 from each borough, and 2 knights from each county, to join with the barons and clergy in their deliberations.

The House of Commons elects its own Speaker. The Members of Parliament do not receive any compensation. All money bills must originate in the House of Commons, and the House of Lords must either pass or reject them without alteration. The sovereign has an absolute veto or negative on all acts of Parliament, but has not exercised it for 200 years. The sovereignty of England resides in the Parliament.

## CHAPTER II.

## HISTORY OF OUR NATIONAL GOVERNMENT.

The United States was settled by colonies from different countries. These were groups of inhabitants settled in different places who were subject to the government of the mother country. These all finally came under the government of Great Britain. These colonial governments were, according to Blackstone, of three kinds, deriving their authority from the crown, according to their charters, and all were more or less subject to the mother country. These charters derived from the king determined the limits of their territory, and authority and the form of government.

## 1st. Provincial or Royal.

These had a governor and council appointed by the crown, and a legislature elected by the people. The governor, council and legislature constituted the Provincial Assembly, which made local laws subject to the approval of the crown. The governor and council appointed the judges and magistrates. Examples: New Jersey, Virginia, New York, New Hampshire, Georgia, North and South Carolina.

## 2d. Proprietary.

Grants of territory were made by the king to individuals who thus became proprietors and controlled the territory thus given. The proprietors appointed the governor, convened the legislature and appointed the judicial officers. Examples: Maryland by Lord Baltimore; Pennsylvania and Delaware by Wm. Penn.

## 3d. Charter.

These were instruments given by the king which gave the soil of a definite territory and the power of

government to the grantees and their associates and successors. The colonists organized the legislature, claiming their rights as Englishmen. These charters were similar to our state constitutions. Connecticut was granted hers in 1662 and adopted her state constitution in 1818. Rhode Island received hers the same year and did not give it up till 1842, fifty years after she adopted the constitution of the United States. Examples: Massachusetts, Connecticut and Rhode Island. All the other states had, upon recommendation of Congress in 1776, adopted state constitutions prior to 1780 suited to their conditions. The king and parliament claimed the right to alter or revoke these charters whenever they chose, which the colonist denied. These claimed that they were solemn compacts between them and the crown, which could not be revoked unless by mutual consent or unless they were forfeited by some act of the grantees. This was a frequent source of contention and one of the causes that led to the final separation. The colonies were dependencies of the mother countries or the crown from which they received their corporate existence, and their laws must not conflict with those of England; while on the other hand the citizens of the colonies were entitled to the protection of the British Government, and as Englishmen they claimed that they could not be taxed without their consent. The conflicting interests between the colonies and the mother country led to efforts for the union of the colonies, as in 1734 and 1754.

In 1765 a congress of delegates, called the Colonial Congress, met in New York to consider their rights and privileges and to obtain redress from the mother country, the immediate cause of which was the passage of the Stamp Act.

Upon the recommendation of Massachusetts, the

First Continental Congress met at Carpenter's Hall, Philadelphia, Sept. 5, 1774, "to deliberate on the state of affairs." This consisted of delegates from all the colonies except Georgia, 53 in all. Among the leading men present were John and Samuel Adams, of Massachusetts; Roger Sherman, of Connecticut; John Jay, of New York; Peyton Randolph, the chairman, Richard H. Lee, Patrick Henry and George Washington, of Virginia. They first determined that each colony should have one vote. They adopted the declaration of rights, and voted an address to the king, to the people of Great Britain, to the colonies, and to the inhabitants of Quebec, concerning their grievances, and asked redress of the mother country. They adjourned Oct. 26th. A Second Congress assembled May 10, 1775, at Independence Hall, with 56 members present, and continued in session with occasional adjournments till the present constitution went into operation in 1789, March 4th. The members were elected by the legislature and held office one year.

The Declaration of Independence was adopted July 4, 1776, and Congress, by the consent of the people, became the governing power in the United States. The Declaration of Independence was in the name of the people and claimed the right of sovereignty which Great Britain had exercised, and she acknowledged this right when she signed the treaty of peace in 1783. The sovereignty thus acquired gave the colonies national and international rights, functions never possessed or claimed before, and which they were not yet fully prepared to exercise as a nation, because they were not yet independent states, competent to establish a nation.

## THE CONFEDERATION.

June 11, 1776, the same day that the committee\* was appointed to draft the Declaration of Independence, another committee was appointed to prepare and digest a form of confederation to be entered into by the colonies. This committee consisted of one member from each colony. They reported a draft of "Articles of Confederation and Perpetual Union between the States," which, after being debated for a long time, was, after several modifications, agreed to by Congress Nov. 15, 1777. These thirteen articles were to become binding when ratified by the thirteen colonies, and they did not go into effect until March 1, 1781, when Maryland granted her approval. They were not designed to make a government, but as a league of friendship between the states, and were ratified by the state legislatures. Reasons for their failure:

1. They could not make a nation out of independent states.
2. It had no president or national judiciary.
3. Its congress consisted of but one house, which had no coercive authority to execute any of its constitutional measures nor punish its own members.
4. It could not collect taxes or revenues, as this belonged to the states.
5. It could not enforce treaties.
6. It had no power to regulate commerce at home or abroad.

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\*The committee appointed June 11, 1776, to draft the Declaration of Independence, consisted of Thos. Jefferson, John Adams, Benjamin Franklin, Roger Sherman and Robert Livingston. It was written by Thos. Jefferson, and was signed Aug. 2d by 54 delegates. Subsequently the other 2 from New York signed it.



7. It could neither pay its ambassadors, pay debts, buy bullion, nor pay soldiers.

8. It could neither settle disputes between the states, nor cause uniformity of laws and government between them, which resulted in the most opposite regulations in the states, and jealousies and rivalries between them.

9. It could not protect a state from invasion nor aid them in rebellion.

10. The states could nullify any of its acts.

Hamilton said, "It had power to declare any thing and do nothing." It was but an experiment in the evolution of a nation, which soon taught them their need and prepared them for the presentation of the Constitution, and eventually for its adoption.

#### ORIGIN OF THE PRESENT CONSTITUTION.

The defects of the Articles of Confederation were soon apparent. Washington said that to form a new constitution, which would give consistency, stability and dignity to the union, was the great problem of the times.

In January, 1786, the Legislature of Virginia appointed commissioners to meet with those of other states to consider the subject of trade with reference to a uniform system of commercial regulations. These, with representatives from four other states, met Sept. 11, 1786, at Annapolis. These prepared a report drawn up by Alexander Hamilton expressing the unanimous conviction that a general convention should be called to devise such provisions as might render the Constitution of the Federal Government adequate to the exigencies of the Union. Congress receiving this report, adopted, on Feb. 21, 1787, a resolution calling a convention of delegates appointed by the several states to meet at Philadelphia the second



Monday of May next. "To revise the Articles of Confederation and report to Congress and the several state Legislatures such alterations and provisions therein as shall, when agreed to by Congress and confirmed by the states, render the Constitution adequate to the exigencies of government and the preservation of the Union." According to this recommendation all the states, except Rhode Island, sent delegates to the Federal Convention which met at Philadelphia, May 14, 1787, and organized May 25th by the appointment of George Washington as President. Fifty-five members were present, among whom were George Washington, Alexander Hamilton, James Madison, Benjamin Franklin, Rufus King, Roger Sherman, James Wilson, Gouverneur Morris, and Edmund Randolph, and many others whose integrity and patriotism were above suspicion. Some favored the revision of the Articles of Confederation; others thought a Constitution was necessary that would give the powers to a supreme general government with the three departments. These questions were discussed and modified by a number of committees until Sept. 12, 1787, when the present Constitution was reported. This was agreed to by the delegates of the states on the 15th of Sept., and signed by thirty-nine of them the 17th of Sept., 1787. The declaration of Madison, that "there never was an assembly of men charged with a great and arduous trust, who were more pure in their natures or more exclusively and anxiously devoted to the object committed to them," was a just estimate of the character of the men in the convention. Franklin proposed prayers at each morning session of the convention. Congress, receiving the Constitution from the convention, referred it to the several state Legislatures, who called conventions chosen by

the people to adopt or reject it.\* It met with bitter opposition, but was defended by such men as James Madison, Alexander Hamilton, John Jay and others. These three wrote articles for the public papers under the title of the "Federalist," which gave an able interpretation of the Constitution by its framers, and had great influence. The Federalist is sometimes referred to as "The Political Classics of the United States." The Constitution provided that when nine states should adopt it it should be binding on those nine states. Eleven states had adopted it by the 26th of July, 1788. North Carolina ratified it Nov. 21, 1789, and Rhode Island May 29, 1790.

On the 13th of Sept., 1788, Congress directed that an election be held the first Wednesday of January, 1789, to elect electors for the selection of a President and other officers. These electors were to meet the first Wednesday of February in the different states, to count the votes, and the Constitution was to go into effect the first Wednesday of March, which was the 4th of that month. George Washington was unanimously elected President, 69 votes, and John Adams having the next higher number of votes, 34, was elected Vice President.

By reason of various hindrances only 13 members of the Lower House reported for duty the 4th of March, so they adjourned from day to day until April 1st, when 30 members were present, or a quorum, and an organization was effected. Eight senators from 4 states attended March 4th. These adjourned from day to day until April 6th, when 12 members were present, when they organized. The votes were

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\*Madison was present every day and kept a daily record of the proceedings, which Congress afterwards ordered published.

counted April 21st. The inauguration took place at New York, April 30, 1789.

The objects of the Constitution are stated in the Preamble, and when it was ratified it constituted the United States of America a nation. Since its adoption 15 amendments have been adopted.

#### AMENDMENTS—HOW MADE.

1st. By two-thirds of both Houses of Congress agreeing on an amendment, and this being ratified by the Legislatures of three-fourths of the states.

2d. By conventions for the purpose called by Congress on application of two-thirds of the state Legislatures, and ratified by conventions in three-fourths of the states.

Congress determines the mode how it shall be done, and all the amendments have been made according to the first method.

The officers of the United States enter upon their duties the 4th of March, and the fiscal year ends the 13th of June, and the departments make their reports up to and including this date.

### CHAPTER III.

#### THE UNITED STATES GOVERNMENT.

This is divided into three departments.

#### SECTION I.

##### LEGISLATIVE.

Congress consists of the Senate and the House of Representatives.

The Senate consists of two members from each state, now ninety, who hold office six years. One-

third of these are elected every two years. Each senator has one vote.

MODE OF ELECTION.—The two houses of the state Legislature of each state which shall be chosen next preceding the expiration of the term for which a senator was chosen to represent said state in Congress, shall, on the second Tuesday after meeting and organization, proceed by viva voce vote to name a candidate for senator. The next day at 12 M., the two houses shall meet in joint session, and if some person has received a majority of the votes cast in each house, he shall be declared elected. If not so elected, they shall cast at least one vote each day until there shall be a senator elected. If a vacancy occurs during a recess of the Legislature the Governor shall appoint one to fill the vacancy to hold until the Legislature shall meet and elect as above described.

QUALIFICATIONS FOR A SENATOR.—He must be thirty years of age, a citizen of the United States nine years, and a resident of the state from which he is chosen. He cannot hold any other office under the United States during his continuance in office as senator. The Senate is presided over by the Vice President, who has no vote unless the vote of the Senate is equally divided.

POWERS AND DUTIES OF THE SENATE.—It has sole power to judge of the qualifications of its members, to make its own rules and regulations, and to try impeachments. The Chief Justice presides when the President is being tried. In impeachment two-thirds of the members must concur to convict, and judgment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but those impeached are liable to indictment, trial and punishment in the courts provided the offense is

punishable by law. The senators must qualify by taking the oath of office. When the Vice President is absent, they elect a president, *pro tempore*, from their members, who may vote on all questions, and a clerk, sergeant at arms, and door-keeper from those not members. They elect the Vice President if he is not elected by the electors. They have co-ordinate jurisdiction with the House in enacting laws. They meet in executive session for the ratifying or rejecting of treaties, and for the confirming or rejecting of nominations made by the President, and other business; and in regular session for the enacting of laws. A majority of those elected constitutes a quorum.

#### THE HOUSE OF REPRESENTATIVES.

This is composed of members chosen every second year by the citizens of the several states in Congressional districts, which are apportioned according to the population, a census being taken by the United States every ten years. The electors in each state must have the qualifications requisite for electors of the most numerous branch of the state Legislature.

QUALIFICATIONS FOR A REPRESENTATIVE.—He must be twenty-five years of age, seven years a citizen of the United States, and an inhabitant of the state in which he is elected. He cannot hold any other office in the United States, nor be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during his term of office.

The term of office of a representative begins the 4th of March following his election and continues two years. This state has 34 representatives. A new state is entitled to at least one member and two

senators. Each organized territory has one delegate in Congress, but they cannot vote. Congress meets the first Monday of December, and the second session closes the third of March, making a Congress to last two years.

**POWERS AND DUTIES OF THE HOUSE.**—It has sole power to originate impeachments, to judge of the qualifications of its members, to determine its own rules and regulations, and to originate revenue bills. The members must qualify by taking the oath of office. They elect its Speaker and other officers, have co-ordinate jurisdiction with the Senate in enacting laws, elect a President when the electors fail to elect, judge of election returns, and compel the attendance of members when needed, punish its members for disorderly conduct and expel them if necessary, by a two-thirds vote. A majority constitutes a quorum for the transaction of business. Less than this may adjourn from day to day. They may not adjourn for more than three days, nor to any other place without the consent of the Senate, the same as the Senate. Vacancies are filled by an election in the district in which the vacancy exists. The election is ordered by the Governor of the state.

The salaries of both houses is fixed by law at \$5,000, and twenty cents a mile for travel in going to and from Washington once each way from their place of residence. The Speaker receives \$8,000, and may vote on all questions. Each house must keep a journal of its proceedings and publish the same except when secrecy is required for the public safety.

#### HOW A BILL BECOMES A LAW.

1st. It must pass both houses by a majority vote and be signed by the President.

2d. If he refuses to sign it, he must return it to the house in which it originated, with his objections within ten days. If both houses agree to it by a two-thirds vote, taken by yeas and nays, it shall become a law without his signature.

3d. If he neglects to return it in ten days (Sundays excepted), it shall become a law unless Congress adjourns.

To expedite business both houses have various standing committees, among which are the following: Ways and Means, Foreign Relations, Finance, Judiciary, Commerce, Military Affairs, Naval Affairs, Indian Affairs, Elections, Banking, Currency, Railroads, etc. These are appointed in the House by the Speaker; in the Senate by the Senate. They have a chairman and a secretary. Their duties are to investigate the subjects referred to them and report. Special committees are appointed for special purposes. To give freedom for debate, each house goes into a committee of the whole, in which the Speaker selects a chairman, and then he is a member of the committee and can take part in the debate. When the committee rises the chairman reports its doings. For a more complete statement of the powers of Congress see the Constitution, Sec. VIII.

## SECTION II.

### EXECUTIVE OF THE UNITED STATES.

The executive power of the United States shall be vested in a President, whose term of office continues four years from the 4th of March after he is elected. Salary \$50,000 and a furnished house.

### QUALIFICATIONS.

He must be a natural born citizen, 25 years of age, and a resident of the United States for 14 years.



The Vice President must have the same qualifications as the President, and holds office for the same length of time. Salary \$8,000.

#### HOW ELECTED.

They are elected by electors from the several states. Each state appoints in a manner directed by the Legislature a number equal to the number of senators and representatives the state is entitled to in Congress. Congress determines the time of choosing the electors, and the time for counting the votes, which must be the same in all the states.

#### QUALIFICATION OF ELECTORS.

No elector shall be a senator or a representative, nor shall he hold any other office of trust or profit in the United States.

#### HOW ELECTED

They are elected at the general election, usually in November, one in each Congressional District in the state and two at large to represent the senators. The ratio for a representative in Congress was made in 1893 to be 173,901.

#### NUMBER OF ELECTORS.

The Senate now consists of 90 members, 2 from each of the 45 states, and the House of 357 members, which made the Electoral College of 1896 to consist of 447 electors, and 224 were necessary for a choice. These electoral votes were distributed in these states as follows:

Alabama.....	11	Florida.....	4
Arkansas.....	8	Georgia.....	13
California.....	9	Idaho.....	3
Colorado.....	4	Illinois.....	24
Connecticut.....	6	Indiana.....	15
Delaware.....	3	Iowa.....	13



Kansas .....	10	North Dakota.....	3
Kentucky .....	13	Ohio .....	23
Louisiana .....	8	Oregon .....	4
Maine.....	6	Pennsylvania.....	32
Maryland .....	8	Rhode Island.....	4
Massachusetts .....	15	South Carolina.....	9
Michigan.....	14	South Dakota.....	4
Minnesota.....	9	Tennessee .....	12
Mississippi .....	9	Texas.....	15
Missouri .....	17	Utah.....	3
Montana.....	3	Vermont .....	4
Nebraska .....	8	Virginia.....	12
Nevada.....	3	Washington.....	4
New Hampshire.....	4	West Virginia.....	6
New Jersey .....	10	Wisconsin .....	12
New York.....	36	Wyoming.....	3
North Carolina.....	11		

## VOTES—HOW DETERMINED.

The electors must meet on the second Monday of January succeeding their election, at such place as the Legislature of their respective states shall designate (usually at the Capitol), and vote for President and Vice President, one of whom shall not be an inhabitant of the state with themselves. They make and sign three certificates of all the votes by them given for President and Vice President, annexing to each a certificate of the electors, furnished by authority of the Executive. These certified lists are sealed, then one copy is transmitted by special messenger to the President of the Senate at the seat of government. One must be forwarded by mail to the same, and one must be delivered to the Judge of the United States District Court in which the electors assembled.

## VOTES—WHEN AND HOW COUNTED.

The President of the Senate, on the second Wednesday of February at 1 P. M., opens these votes in the presence of both houses assembled in the Senate Chamber, each house appointing two tellers who count the votes. The person having the greatest number of votes, if that number be a majority of all

the electors, shall be the President; and the person having the greatest number of votes for Vice President, if a majority, shall be the Vice President.

#### ELECTION BY THE HOUSE.

If there be not a majority vote for President, then the House, at least two-thirds of the states being represented, shall immediately, from the three persons having the highest number of votes, choose by ballot a President. The vote shall be taken by states, each state having one vote, and a majority of the states is necessary for a choice. If there be no election by the 4th of March the Vice President must act as President.

#### ELECTION BY THE SENATE.

In case there is no election of Vice President, then the Senate must elect from the two persons having the highest number of votes. Two-thirds of the Senate constitutes a quorum and a majority of all the members elected to the Senate is necessary to a choice. The Vice President may, in case of a tie, give the casting vote.

#### SUMMARY OF THE MODE OF ELECTING THE PRESIDENT AND VICE PRESIDENT.

The electors are nominated by, and represent, a political party, and are nominated as follows: Each party, by its National Committee appointed at its last National Convention, calls a National Convention for that party. Then the State Committee appointed by a State Convention the year previous calls the State Convention. The County Committee or District Committee calls the County or District Convention, and the Town Committee calls a Caucus which elects delegates to the County or Congressional District Convention. This elects delegates to the State Conven-

tion, which in turn elects delegates to the National Convention. Four delegates at large are elected, and two for each Representative District. The electors are usually nominated at the conventions called to nominate Congressmen. The National Conventions nominate candidates for President and Vice President, and adopt their party platforms and nominate a National Committee. Voters to vote for these candidates of their party must vote at the Presidential election held every leap year on the Tuesday following the first Monday in November, for all the electors nominated by his party. Vacancies in the Electoral College are filled according to laws passed by the state Legislature.

#### THE PRESIDENTIAL SUCCESSION.

In case the President dies, or is disqualified for performing the duties of his office, the Vice President acts as President. If he dies or is disqualified, the Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General, Postmaster General, Secretary of the Navy, Secretary of the Interior, in the order named, if not disqualified, discharge the duties of the office until the disabilities of the President or Vice President are removed or a President shall be elected. If Congress be not in session, or will not be in twenty days, the Cabinet officer acting as President shall convene Congress in extraordinary session, giving twenty days' notice of the time of meeting.

#### DUTIES OF THE PRESIDENT.

(a) He sees that the laws are executed.

(b) He is the Commander-in-Chief of the army and navy of the United States and of the militia of

the several states when called into actual service for the United States.

(c) He has power to grant reprieves and pardons for offenses against the United States, except in case of impeachment.

(d) He has power to make treaties when two-thirds of the Senate present concur.

(e) He nominates, and, by and with the consent of the Senate, appoints his Cabinet officers, ambassadors, public ministers, consuls, judges of the United States Courts and postmasters, governors of territories and all other United States officers, when not otherwise provided for.

(f) He may fill vacancies in these offices that happen during the recess of the Senate, by granting commissions that expire at the close of the session.

(g) He must from time to time give to Congress information in regard to the condition of affairs in the United States, and recommend such measures as he deems expedient.

(h) He may convene Congress on extraordinary occasions and adjourn them when they disagree as to the time of adjournment.

(i) He may sign or veto bills.

(j) He commissions all United States officers, and receives foreign representatives.

#### DUTIES OF THE VICE PRESIDENT.

(a) He is president of the Senate, and may cast a vote when there is a tie.

(b) In case of the disability or death of the President, he performs the duties of that office. In this case the President *pro tempore* presides over the Senate.

The President is assisted in the administration of the government by eight so-called Cabinet officers,

who are the heads of the departments. Salaries, \$8,000.

I. SECRETARY OF STATE. He preserves the public archives, records, laws, arguments and treaties, supervises their publication, and is the custodian of the seal of the United States. He conducts the business with foreign nations and the diplomatic correspondence, communicates with foreign ministers sent to us, and with ours sent abroad. He grants and records passports and commissions, and certifies to public documents, etc.

II. SECRETARY OF THE TREASURY. He has charge of all moneys paid into the United States Treasury; has general supervision of the fiscal transactions of the government, the collecting of revenues, the auditing and payment of accounts and other disbursements; supervises the execution of laws relating to commerce and navigation, the revenues and currency, the coast survey, the mint and coinage, the lighthouse establishments, custom houses, etc.

III. SECRETARY OF WAR. He has general charge of business growing out of military affairs, keeps the records of the army, issues commissions, directs the government of troops, superintends their payment and the purchase of supplies and ordinances, constructs fortifications and conducts works of military engineering and river and harbor improvements. The standing army of the United States consists of 2,171 officers and 24,754 enlisted men, making in all 26,925. Of these officers there are only 3 acting major generals, Nelson A. Miles being the commander of the United States Army. The United States is divided into eight military departments, two of which are commanded by the other major generals, the others by brigadier generals. The military academy is at West Point, N. Y. Each Congressional Dis-

trict is entitled to one cadet, who is appointed by its Congressman, and each territory and the District of Columbia to one each, appointed by the President, who appoints ten at large.

IV. SECRETARY OF THE NAVY. He has charge of the naval establishments and all business of the same, issues naval commissions, instructions and orders, supervises the enlistment and discharge of seamen, the construction of navy yards and docks, the construction and equipment of vessels, coast surveys, etc. The navy consists of 6 rear admirals, 10 commodores, besides the other officers, 2,000 men, marine corps and seamen, in charge of the navy yards and various ships of war. The naval academy is at Annapolis, Md. The cadets are appointed the same as for the military academy.

V. SECRETARY OF THE INTERIOR. He has charge of the survey, management, sale and grant of public lands, the examination of pension and bounty land claims, the management of Indian affairs, the award of patents, the taking of the census, the management of the government mines, etc. The Bureau of Education and the Geological Survey are branches of this department.

VI. POSTMASTER GENERAL. He has charge of the postal system, the establishing of post offices and post roads and their discontinuance, the appointing of agents and postmasters not otherwise appointed, making contracts for carrying the mails, and the furnishing of postal supplies, etc.

VII. ATTORNEY GENERAL. He is the legal advisor of the President and members of his Cabinet. He examines titles, applications for pardons, conducts and argues suits in which the government is interested, etc.

VIII. SECRETARY OF AGRICULTURE. His duty

is to promote the agricultural interests of the country by the diffusion of useful information among the people, the distribution of seeds and plants, etc. He has charge of the Weather Bureaus, and of the forestry interests. This department was established in 1889.

There are other important executive branches of the United States which have been formed to promote the general welfare. Among these may be mentioned

1. THE INTERSTATE COMMERCE COMMISSION.

DUTIES.—To make and enforce rules and regulations in regard to railroad rates.

2. THE CIVIL SERVICE COMMISSION.

DUTIES.—To examine persons desiring to enter the public service and for those offices which require an educational test, and make needful regulations for the same.

3. THE FISH COMMISSION.

DUTIES. To determine and execute measures for improving the fisheries of the United States.

4. THE NATIONAL MUSEUM, SMITHSONIAN INSTITUTE, THE INSTITUTE AND BUREAU OF ETHNOLOGY.

These were established for the advancement of science.

5. THE GOVERNMENT PRINTING OFFICE.

This was established to do the public printing, as reports of Departments, records and proceedings of Congress, etc.

6. THE GOVERNMENT MINTS for the coining of money, etc.

The heads of these departments make a report of business transacted each year, bearing date at the close of the fiscal year, the 30th of June. These are assisted by a large number of persons, each having special work to perform. Most of these are appointed



under the Civil Service regulations. All officers of the United States Government have to take the oath of office before entering upon their duties. This requires them to swear to support the Constitution of the United States and to perform the duties of the office to the best of their ability.

#### FOREIGN REPRESENTATIVES OF THE GOVERNMENT.

Ambassadors are ministers of the highest rank sent to represent the interests of a country at the seat of government of some other nation.

Ministers are not subject to the laws of the country to which they are sent.

A Minister Plenipotentiary is one invested with full power to transact some special business, as to negotiate a treaty, without being a permanent resident of the country.

Our ministers to London, Berlin, Paris and St. Petersburg receive \$17,500 each.

Consuls are persons commissioned to reside in a foreign country as agent or representative of a government, to protect the rights of commerce, seamen, merchants of the country, and to aid in commercial, and sometimes in diplomatic, transactions with such country. One is usually sent to all important ports.

The thirteen original states became the United States when they adopted its Constitution.

New states are usually made from territories and are admitted by Congress by request of the inhabitants, when the constitution which they have adopted for their state government, and the number of inhabitants, are satisfactory.

Territories are organized and the boundaries determined by an act of Congress out of lands under



their jurisdiction. Their governor and secretary are appointed by the President and approved by the Senate. Their Legislature, consisting of a Council and a House of Representatives, are elected for two years and holds biennial sessions. This appoints the auditor, treasurer, and superintendent of common schools. Each territory is divided into three Judicial Districts, and the Supreme Court consists of a Chief Justice and two associates appointed by the President and Senate for four years. Its jurisdiction is appellate. In each of these districts one of these justices holds a District Court with original jurisdiction. The lower courts are, a Probate Court presided over by a probate judge elected in each county for two years, and justices of the peace elected to have jurisdiction over minor cases.

### SECTION III.

#### JUDICIAL DEPARTMENT OF THE UNITED STATES.

The judicial power of the United States shall be vested in one Supreme Court, and in such Inferior Courts as Congress may from time to time ordain and establish. The judges in these are nominated by the President and approved by the Senate, and hold office during good behavior. Their salaries are determined by Congress, and shall not be diminished during their term of office.

The United States Courts as now established are as follows:

I. DISTRICT COURTS. The United States, including territories, are divided into 71 judicial districts, presided over by 66 judges, each judge assisted by a district attorney, marshal, clerk, and such other officer as are needed. Each state has at least one district court. The states and territories are divided in-

to these districts in which courts are held by the district and circuit judges at stated times. New York state is divided into 3 districts, Northern, Southern and Eastern. These are divided into smaller districts, in each of which the circuit judge appoints a United States Commissioner, who assists the United States courts in securing evidence and in making preliminary examinations and arresting and holding for trial persons accused of crimes against the United States. By a law of the United States a judge or magistrate of a state may order the arrest of a person charged with a crime against the United States, and such cases may be tried in the state courts. The District Court has only original jurisdiction. The salaries of the judges are from \$3,500 to \$5,000.

II. CIRCUIT COURTS. The United States and territories are divided into 9 judicial circuits, each presided over by a judge who resides in the circuit. These hold courts either alone or with one of the associate justices, or with a district judge. The circuit justice must visit each district in his circuit at least once in two years. These courts have original jurisdiction in certain civil and criminal cases, and appellate from the District Courts. Salaries \$6,000.

III. CIRCUIT COURTS OF APPEAL. In 1891 was organized this court consisting of three judges in each circuit to relieve the Supreme Court of a part of its overgrown business. The justices of the Supreme Court, the circuit and district judges are competent to sit in their respective circuits. This court can review on appeal, or writ of error, the final decisions of the District and Circuit courts. These courts hold a term each year in the several circuits in certain designated places.

IV. SUPREME COURT. This consists of 9 members presided over by the Chief Justice, assisted by eight associate justices. This meets in Washington the second Monday of October in each year, holding one term annually. A majority constitutes a quorum, and a majority of these must agree on a decision. It has original jurisdiction in cases affecting ambassadors, ministers, consuls, admiralty cases, and cases in which a state is a party; and appellate from lower courts in federal and constitutional questions arising in the state or nation, and the constitutionality of their laws, and the validity and construction of treaties. In the case of crimes the trial is by a jury and in the state where the crime was committed. Treason is tried in this court. This shall consist only in levying war against the United States, or in adhering to their enemies, giving aid and comfort. Two witnesses to the same overt act or confession in open court are necessary to convict. The judges of this court hold courts in the circuit in which they reside. The salary of the Chief Justice is \$10,500, and of the associate justices \$10,000. A judge who has served ten years may resign when seventy and continue to draw his salary during life.

V. COURT OF CLAIMS. The United States in its sovereignty cannot be sued, hence Congress has established a Court of Claims in which persons having claims against the United States can present them by petition, and if they are allowed Congress must appropriate money to pay the judgment. These claims may be founded upon a law of Congress, or upon any regulation of an Executive Department, or upon any contract with the government of the United States. This court consists of a Chief Justice and four associate justices. Their

salaries are \$4,500, and they hold office during good behavior. Their session commences the first Monday in December. Appeals are taken to the Supreme Court.

VI. SUPREME COURT OF THE DISTRICT OF COLUMBIA. This consists of one Chief Justice and five associate justices, with powers similar to the judges of the District Courts. They have original jurisdiction in law and equity. As General Term held by all or a majority of the justices, it has appellate jurisdiction, hearing appeals and writs of error from the Special Term held by one justice.

## CHAPTER IV.

### NEW YORK STATE.

#### SECTION I.

#### THE CONSTITUTION AND GOVERNMENT OF NEW YORK STATE.

"New York," says Bancroft, "united richest land with the highest adaptation to foreign and domestic commerce." These, and its population, character and influence in the nation, justly give it the name of the Empire State. Discovered by Henry Hudson, in the employ of the Dutch East India Company, in 1609, it was claimed by the Dutch who made its first white settlement in 1614 on Manhattan Island. It was ruled by Dutch governors who appointed their own Council and other officers until 1664, when it came under the control of the English, who changed its name from New Netherland to New York, in honor of the Duke of York who was its proprietor until 1685, when it became a Royal

Colony, the Duke having become the King of England. In 1683 he had consented to the election of seventeen representatives to act with the Council of ten in the making of a Constitution. They adopted a charter which gave the supreme power to the governor, to be appointed by the king and Council, and the people met in General Assembly. It ordered an Assembly to meet every third year. This was ratified by the king, but he soon tried to nullify its provisions. During the struggles with the kings and their governors the privileges and powers given to the people varied with the different administrations. In the attempts of the colonies to throw off the English rule, New York did her share, not only in furnishing men and materials for the war, but in efforts to establish her own government upon a firm basis in harmony with the rights of the people. It has had eight Constitutional Conventions. These were held in 1777, 1788, 1801, 1821, 1846, 1867, and 1894. These resulted in four constitutions with several amendments to the same.

1. The convention that ratified the Declaration of Independence appointed a committee to draft a constitution for the state government. They reported March 12, 1777, and the constitution reported, which was mostly written by John Jay, was adopted by a vote of the people April 20, 1777. This, after being amended in 1801, was in operation 44 years. In this suffrage was limited to property holders.

2. A convention was called by vote of the people in April, 1821. This met in Albany, Aug. 28th, and reported a new constitution which was adopted February, 1822. This abolished the property qualification except for colored men, who were required to possess a freehold of \$250 and be a citizen three years.

3. An election for a Constitutional Convention

was held Nov. 4, 1845. The new constitution was reported October, 1846, and voted upon Nov. 3d, and went into operation Jan. 1, 1847. This made judges elective, restricted elections to one day, divided towns into wards and election districts, and added the registry law.

The convention of 1867 reported a constitution which was rejected in 1869, except a provision to reorganize the Court of Appeals, and to remove the property qualification from negroes. In 1874 amendments were proposed and passed by vote of the people changing the qualification of voters; making the negro on equality with others; making the offering of bribes a punishable offense; fixing the pay of legislators at \$1,500, the governors at \$10,000, and the lieutenant-governors at \$5,000; requiring a vote of two-thirds of the members of the Legislature to pass a bill over the governor's veto, and gave him power to veto parts of an appropriation bill, and thirty days to sign bills after an adjournment of the Legislature, with the right to sign parts of bills and reject the rest, and changing the law in regard to corporations.

In 1876 two amendments were ratified by vote of the people, one appointing a superintendent of public works, to hold office during the term of the appointing governor, and the appointing of a superintendent of prisons to hold office five years. In 1880 one was ratified reorganizing the Court of Appeals. In 1882 one was ratified making the canal free and authorizing a tax to pay the canal debt, and in 1883 one abolished the contract system in prisons.

4. In November, 1893, delegates were elected to a convention which consisted of 175 members. It convened at Albany, May 8th, and closed its labors Sept. 29, 1894. Its president was Joseph H. Choate.



It was voted on November 6, 1894, and adopted, and went into operation Jan. 1, 1895.

Among many changes were the following: making the time of meeting of the Legislature the first Wednesday of January, and the Senate to consist of 50 and the Assembly of 150 members, the governor, lieutenant governor, and the five elective officers to hold office for two years, and reorganized the courts of the state, made state and city elections occur on different years, the state on the even and the city officers on the odd years, prohibits the use of public money for sectarian schools, and the use of passes to public officers, etc. [See Constitution.]

## SECTION II. MISCELLANEOUS PROVISIONS.

### AMENDMENTS—HOW MADE.

1. They must pass both houses of the Legislature by a majority vote, the yeas and nays being taken, and then referred to the next Legislature.

2. They must be published three months.

3. They must be agreed to by the next Legislature by a majority vote.

4. They must be approved or ratified by a majority vote of the people of the state at an election.

5. If approved, they go into effect the 1st of January following the election at which it was ratified.

### CONSTITUTIONAL CONVENTIONS.

At the general election in 1916, and every twentieth year thereafter, the question, "Shall there be a convention to revise the Constitution or amend the same?" shall be decided by the electors of the state. If this is voted by a majority, then three delegates shall be elected from each senatorial district and fifteen elected at large. These shall meet at the capitol

the first Tuesday of April, and their proposed Constitution or amendments shall be submitted to a vote of the electors of the state. If approved, they supersede all others upon the same subject.

The legal year begins January 1st, and the Legislature meets the first Wednesday of January of each year. The fiscal year begins October 1st.

#### CITIZENSHIP.

A citizen is an inhabitant of a country, subject to its laws and under its protection. General Bates says, "A citizen is a member of the body politic, bound to allegiance on the one side, and entitled to protection on the other."

Citizenship gives civil rights and political rights to those qualified.

Aliens obtain these by becoming naturalized. Naturalization may take place under law of Congress as follows, after five years' residence:

1. Application to become a citizen.—Candidates must make a declaration under oath of intention to become a citizen before a court of competent jurisdiction, which makes a record of his declaration and gives him a certificate.

2. At least two years after his declaration he may become a citizen provided that

(a)\* Fourteen days before his request is acted on he must file with the clerk of the court in which he wishes to apply a written application stating his name and residence and the names and residence of the witnesses he intends to bring. A record of these

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\*A United States Circuit or District Court, or a District or Supreme Court of a territory, or a Court of Record of any state having Common Law jurisdiction, is a court of competent jurisdiction.



shall be kept and open to the people, and certified copies shall be furnished on demand.

(b) After the fourteen days he must prove that he has resided in the United States five years and that he has borne a good moral character.

(c) Then he must make a written declaration that he renounces allegiance to all foreign powers and that he will support the Constitution of the United States.

A certificate of citizenship is then given him which makes him a citizen, together with his wife and minor children. If he dies before naturalization is completed these may become citizens by taking the oath of allegiance.

#### QUALIFICATION OF A VOTER IN NEW YORK.

He must be twenty-one years of age, a citizen ninety days, a resident of the state one year, of the county four months, and of the election district thirty days. These gain him a residence. Women may vote at a school meeting. Students do not gain or lose a residence while attending school.

Offering a valuable consideration for a vote, or a wager upon the result of an election, or being interested in any bet, or the offering of an inducement to vote or withhold a vote at an election disqualifies a person for voting. A person convicted of a heinous crime is disqualified from voting unless pardoned.

Voters must be registered at least ten days before the election. Voting for state and United States officers must be by ballot, also for town, city and village officers unless otherwise provided by law.

Registry and election officers shall be equally divided between the two political parties which at the last preceding election for governor polled the highest number of votes for such office in the state.

These officers consist of four inspectors, two poll clerks, and two ballot clerks, who hold office for two years, and must not be candidates for any other office.

State elections are held the Tuesday after the first Monday of November. The polls are opened at 6 A. M. and closed at 5 P. M., when the votes must be counted at once by the inspectors. The candidates having a plurality vote are declared elected. The voting is done in booths to secure secrecy, according to the Australian system. Raines blanket ballots are now used for voting in this state. These have printed on one sheet the tickets of all the parties, and a blank ticket in which the names of any persons not in the others may be written and voted for. Each party has its device printed at the head, and under this is a ring in which a cross (X) mark is to be made if one wishes to vote that entire ticket. If the voter desires to vote for one of the other candidates he must not make a cross (X) mark in the circle above the name of the party, but shall mark in the voting space before the name of each candidate for whom he desires to vote, on whatever ticket he may be. If the elector desires to vote for any person whose name does not appear upon the ballot, he can so vote by writing the name with a black lead pencil in the proper place in the blank column. Any other mark or erasure makes void the ballot. If a ballot is injured the voter is entitled to ask successively for three ballots. The ballots are furnished by the County Clerk at the public expense.

The right of suffrage is the right or privilege of voting respecting political questions, and for candidates for public office; the right to participate in political government by the election of representatives, and by voting for laws and measures.

A franchise is a political or constitutional right,

reserved to or vested in the people, as the right of suffrage.

The elective franchise is the right to vote. A special privilege. The right to vote comes from the state and is a state gift. The elective franchise is given to women in Colorado, Wyoming and Utah, and in most other states they are permitted to vote on educational and other questions and hold certain offices. Naturalization is a federal right and is a gift of the union, not of any one state. In some states aliens vote after having made their declaration. Honorably discharged soldiers are made citizens by virtue of their service to the government.

## CHAPTER V.

### CIVIL POLITY OR GOVERNMENT OF NEW YORK.

#### *A Summary of the Divisions of the State.*

1. Road Districts, made by the Road Commissioner.

2. School Districts, organized by the School Commissioner, Supervisor and Town Clerk, 11,047 in towns, 753 in villages, 4 in cities.

3. Election Districts. A part or whole of a town, and the wards of cities. Organized by the Town Board and Common Council in cities except New York and Brooklyn, 5,467.

4. School Commissioner Districts, grouped by the Supervisors, 114.

5. Assembly Districts, organized under the Constitution, 150.

6. Senate Districts, organized under the Constitution, 50.

7. Judicial Districts, organized under the Constitution, 8.

8. Judicial Departments, organized under the Constitution, 4.

9. Towns or Townships, organized and changed by Supervisors, 942.

10. Counties, organized by the Legislature, 60.

11. Congressional Districts, organized by the Legislature and Congress, 34.

12. Cities, organized under a charter granted by the Legislature, 38.

13. Villages or Incorporated Towns, organized under a general statute law, 356.

## SECTION I.

### TOWNS—THEIR DIVISIONS AND OFFICERS.

1. ROAD DISTRICT. A portion of a town in charge of officers whose duty it is to see that the roads are kept in good condition.

OFFICERS. Overseers of the Highway, or Path master. One for each district, appointed by the Road Commissioner and responsible to him.

DUTIES. To make a list of the names of all the inhabitants in his district liable to work on the highway, and deliver the same to the Town Clerk for the use of the Commissioner within 16 days after his appointment; to repair and keep the roads and bridges in order; collect all fines and commutation money; keep the highways clear of weeds and brush, and have the stones removed at least once every month from April to December; notify persons when to work on the road, and see that the taxes are worked out or paid; and report all his doings, with the names of delinquents, to the Road Commissioner, the second Tuesday before the town meeting, and pay to him all money remaining in his hands unexpended. He also reports to the Supervisor the names of those that have not worked out their assessments, with the

number of days and the amount of tax so returned, and the land tax not worked out or paid by the 1st of October. Pay—above his tax  $12\frac{1}{2}$  cents per hour.

2. SCHOOL DISTRICT. A portion of a city or town in charge of officers whose duty it is to maintain a free public school for at least 160 days in a year, inclusive of legal holidays\* and teachers' institutes.

The annual school meeting is held on the first Tuesday of August of each year at 7.30 o'clock P. M. The school year begins August 1st and ends July 31st. In small districts the officers are elected (by ballot) at the annual meeting, and the other business transacted. But in union free school districts having more than 300 children of school age (5-18), the voters may determine that the election shall be held on the Wednesday next following the annual meeting, between the hours of 12 M. and 4 P. M. The annual meeting has power to elect its officers, to purchase, build or lease a schoolhouse, and to buy, lease and improve a site, and to keep all in repair; to vote a tax for all expenses of the school, and a tax not to exceed \$25 for books, maps, apparatus and text books, and \$50 for library, cases, etc. It may vote to raise money to furnish free text books for pupils. No tax

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\* Legal holidays in this state confirmed by a statute passed May 19, 1897, are as follows: The 1st of January, known as New Year's day; the 12th of February, known as Lincoln's birthday; the 22d of February, known as Washington's birthday; the 30th of May, known as Memorial day; the 4th of July, known as Independence day; the first Monday of September, known as Labor day; the 25th of December, known as Christmas day; and if either of such days is Sunday the next day thereafter; each election day and each day appointed by the President of the United States and the Governor of this state as Thanksgiving day. Half-holiday includes the period from noon to midnight of each Saturday.

voted by a district meeting for building, hiring, or purchasing a schoolhouse exceeding \$500 shall be levied by the trustees unless the school commissioner of the district shall certify his approval in writing, nor shall any schoolhouse be built until the plan for heating, lighting and ventilating shall be approved by him. It may raise money for building or adding to a schoolhouse, to be paid in installments, and secure the balance by bonds or other evidence of indebtedness, but the payment or tax for the last installment shall not exceed twenty years from the time the vote was taken. It may empower the trustees to contract with the Board of Education of a city, village or union free school to teach the children of the district for 160 days in such school instead of hiring a teacher, and it shall be entitled to one district distributive quota each year as long as the contract shall be continued. The Board of Education so contracting with a district shall report the number of persons of school age in such district, together with theirs, and the pupils attending school from the district to the Superintendent of Public Instruction the same as resident pupils. Provision may be made by a tax by such school district for the conveyance of its pupils to and from the school which they attend. The law requires that children between the ages of 8 and 16 shall attend school a certain length of time each year, and provides for the appointment of district or town officers for the enforcement of its requirements. Notice of the annual school meeting must be posted at least five days before the meeting in five conspicuous places, one of which shall be the schoolhouse. Special meetings require special notices.

#### QUALIFICATIONS OF VOTERS AT SCHOOL MEETINGS.

GENERAL.—They must be citizens of the United States, twenty-one years of age, and a resident of the

district for a period of thirty days next preceding any meeting held therein.

SPECIAL.—1. One who owns or hires, or is in possession under contract of purchase, of real property in such district liable to taxation for school purposes.

2. One who is the parent of a child of school age, provided such child shall have attended the district school in the district in which the meeting is held for a period of at least eight weeks within the school year preceding such school meeting.

3. One who has permanently residing with him or her a child of school age who shall have attended the district school for a period of at least eight weeks within the school year preceding such meetings.

4. One who owns any personal property assessed on the last preceding assessment roll of the town exceeding \$50 in value, exclusive of such as is exempt from execution.

Women possessing the general and any of the above special qualifications are entitled to vote and hold office.

Both parents are entitled to vote when they have a child or children who attended school for eight weeks during the preceding school year in that district.

But one such person can vote when the right depends upon children not their own residing with them, and that person must be the head of the family.

#### OFFICERS OF THE COMMON SCHOOL DISTRICT.

They must be elected by ballot, be residents and voters in the district, and be able to read and write, and they can hold only one office.

I. TRUSTEE. One to three, determined by the vote of the district. Holds office one to three years,



according to the number. Vacancies filled within 30 days by vote of the district, after 30 days by the School Commissioner. He may be removed from office for willful neglect of duty by the Superintendent of Public Instruction. Refusal to serve when qualified subjects him to a fine of \$5. Neglecting to perform a duty, he forfeits \$10.

DUTIES.—1. To call all meetings, annual and special.

2. To hold and have charge of the district property, keep it in repair, provide separate privies, and supply all the necessities of the school. He may not spend more than \$50 for needed repairs, and \$25 for books and apparatus, without a vote of the district.

3. To make out a tax list of all the taxable inhabitants in the district, and their amount of tax within 30 days after such tax has been voted, and to annex to this a warrant to the collector for its collection, also for needed expense when not voted.

4. To hire and make a contract with a qualified teacher, and pay the same monthly by orders on the collector and supervisor, or treasurer, and maintain a school at least 160 days during the school year, inclusive of the legal holidays and the time of attendance of teachers at institutes not to exceed three weeks.

5. Keep an account of all moneys received and paid out, from whom and for what purpose, and report the same, with his other transactions for the district, to the annual school meeting. Requires teachers to keep an account of names, ages and attendance of scholars, and to verify the same under oath.

6. To assist teachers in the government and general management of the school, establishing rules for its management and discipline, prescribing



courses of study, and enforcing sanitary regulations for the buildings and grounds. He alone has power to expel a student.

7. To make a report on the first day of August to the School Commissioner, and deliver the same to the town clerk, a copy of which is to be filed in the clerk's office. This report is to show the whole time school has been kept during the year, including holidays; the amount paid for teachers' wages, and for books and apparatus; the number of children taught and the total of the days' attendance of all such children; the number of children of school age living in the district June 30th, with the names of the parents or guardian; the number of vaccinated and unvaccinated children; the amount of taxes levied, and the moneys received and paid out for all purposes and the items; and the whole time that the teachers' institutes were held, and if the school was closed during such time.

8. He is trustee of the library, having the care of the bookcase to keep and preserve.

II. CLERK. Holds office one year,

DUTIES.—1. To record and preserve the proceedings of the district meetings, making a list of all persons voting upon all questions.

2. To give notice according to law when ordered by the trustee of annual and special meetings.

3. To notify the trustee of every resignation accepted by the Supervisor, and to notify officers elected and appointed, also to report their names and post office address to the town clerk.

4. To keep and preserve all books, records and papers belonging to the office and deliver them to his successor.

III. COLLECTOR. Holds office one year.

DUTIES.—1. To give bonds for the faithful per-

formance of his duties, such as the trustee may require, which he must deliver to the town clerk to be recorded and preserved.

2. To collect the district taxes levied by the trustee and placed in his hands for collection.

3. Give written notices of his having received the tax list which must be posted in three conspicuous places, one of which shall be on the schoolhouse.

4. To pay the moneys received to the treasurer, or upon orders of the trustee.

5. Return the tax list and warrant to the trustee for him to deliver to the town clerk for preservation, and pay any balance of moneys in his hands to his successor when qualified.

6. Report his collections, receipts and disbursements to the annual school meeting, and to the supervisor on or before the first Tuesday of March, the amounts of school moneys in his hands not paid out on trustees' orders. He receives one per cent for moneys collected for the first 14 days, and five per cent for that collected afterwards. If he has to levy on and sell property for taxes, he receives ten cents a mile reckoned from the schoolhouse.

IV. A TREASURER may be appointed by the district who shall receive the moneys from the supervisor and collector and disburse the same on trustees' orders.

V. LIBRARIAN. The trustee appoints a teacher of the school as librarian to have charge and supervision of the library and who, with the trustee, is responsible for the safety and proper care of the books.

Vacancies in the offices of clerk, collector, treasurer and librarian not otherwise filled may be filled by the trustee.

## UNION FREE SCHOOL DISTRICTS.

These may be established by the vote of the districts interested at a meeting called for that purpose by a majority vote of each district represented. There must be at least 15 voters from each district. The qualifications for voting and holding office are the same as in district schools. Their Boards of Education consist of from three to nine trustees, determined by vote of the district. These are divided into three classes, one of which is elected each year, and they hold office three years. They elect each year from their number a president, a clerk, who may or may not be of their number, and a collector and treasurer from the taxable inhabitants of the district. These perform the duties of similar officers in the common school district, giving bonds and reporting to the Board of Education and to the annual meeting.

The Board of Education is a body corporate with powers and duties similar to those of the common school district, with special duties and obligations. It must report in writing to the annual meeting from what sources all moneys have been received and how paid out, present an estimate of the amounts necessary for the next year and for what purposes, and the amount of tax to be raised. It levies taxes, and has charge of all matters pertaining to the care, management and control of the school. It may establish academic departments subject to the visitation of the Regents, or it may adopt as the academic department of the district, by vote of the electors, an existing academy in the district. It may establish kindergartens and receive the \$100 quota from the state the same as for other teachers. It may, in districts of at least 5,000 population, appoint a superintendent, whose salary, \$800, is paid from the free school fund. It holds meetings at least once each quarter, and

their committee must visit the school twice each quarter and report at the next meeting. It must report to the school commissioner and to the supervisor the same as the trustees of a district school. The union free school is under the supervision of the Superintendent of Public Instruction, and he may require a report from its Board; and their academic departments are under the supervision of the Regents of the University.

Cities and many villages have schools organized under special school acts which place them outside of the jurisdiction of the school commissioner and more under the control of the city and village corporations, and they have their own superintendents who receive their pay, in part at least, from state funds. The superintendent of these and union free schools has complete supervision of the schools and their property. He is the executive officer and the representative of the Board of Education. He visits the schools, observes the progress of the pupils, the methods of the teachers, the mode of discipline, etc. He classifies the pupils, enforces rules and regulations, points out defects, suggests remedies. He promotes pupils, examines teachers, advises with the Board and its committee, and reports to the Board at the close of the year. The Board of Education or the public school authority of any city except New York, or of any village employing a superintendent of schools, may establish, maintain, direct and control one or more schools or classes for professional instruction and training of teachers for not less than 38 weeks in each year. These receive for their students \$1 a week from the free school fund, unless the amount exceeds \$100,000 a year. Teachers in the primary and grammar departments in schools employing a superintendent must, to be employed, be a graduate

in a school with at least a three years' course of instruction approved by the Superintendent of Public Instruction, and have successfully taught three years, and subsequently have graduated from a school or class for the professional training of teachers, having a course of study of not less than 38 weeks. Diplomas of state normal and training schools and state certificates may be accepted in lieu of these.\* All schools under the control of the Regents or of the Superintendent of Public Instruction must teach physiology and hygiene, having special reference to the effects of stimulants and narcotics upon the human system. Free hand drawing is required in most schools.

#### PREPARATION OF TEACHERS.

Besides the academies, colleges and universities which the state fosters, it has provided special means for the preparation of teachers for their important work as follows :

##### 1. NORMAL SCHOOLS.

Albany Normal College, William J. Milne, President.  
 Oswego Normal School, Edward A. Sheldon, Principal.  
 Brockport Normal School, Chas. D. McLaen, Principal.  
 Fredonia Normal School, Francis B. Palmer, Principal.  
 Cortland Normal School, Francis J. Cheney, Principal.  
 Potsdam Normal School, Thos. B. Stowell, Principal.  
 Buffalo Normal School, James M. Cassety, Principal.  
 Geneseo Normal School, John M. Milne, Principal.  
 New Paltz Normal School, Frank S. Capen, Principal.  
 Oneonta Normal School, James M. Milne, Principal.  
 Plattsburg Normal School, Edward N. Jones, Principal.  
 Jamaica Normal School, A. C. McLachlan, Principal.

New York City has its training college.

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\* Law of 1895, which goes into operation 1897.

## 2. PEDAGOGIC DEPARTMENTS.

These are established in a number of colleges and universities, with required courses of study that furnish broad foundations for future work.

## 3. TEACHERS' TRAINING CLASSES.

These are taught in the academies, and academic departments of the union free school approved by the Superintendent of Public Instruction. These must continue at least 36 weeks and have not less than 10 nor more than 25 pupils. Candidates for admission must be at least 17 years of age, must declare their purpose to prepare for teaching, and to engage in teaching in the public schools of the state of New York, must be of good moral character with evidence of talent and aptness necessary to success in teaching, and agree to remain in the class during the year unless prevented by illness or else excused by the Superintendent of Public Instruction. They must hold either a third grade certificate and standing in civil government of 60 per cent under the uniform examinations, or a Regents' preliminary certificate and fourteen academic counts, four of which shall be in English, two in American history, two in civil government, two in physiology and hygiene, and the other four optional. Instruction is free. To obtain a certificate the student must be in attendance two terms of not less than 18 nor more than 20 weeks, three periods of 45 minutes each every school day in a designated course of study, must attend the teachers' institutes in the district, and pass the examinations in all the subjects taught. The examinations occur in January and June. Teachers for these classes must be either college graduates of three years' experience in teaching, or normal graduates in a higher course of four years' experience, or have a state certificate issued since 1875. For the support of these classes

there is appropriated \$30,000 from the United States Deposit Fund and \$30,000 from the Free School Fund. From this the trustees of the school receive one dollar a week for each pupil taught the required time.

4. **TEACHERS' INSTITUTES** conducted by experienced instructors sent out by the Department of Public Instruction into the various Commissioner's Districts of the state. These hold five days in one place and are attended by most of the teachers and by the training classes of the district.

5. **SUMMER INSTITUTES.** These are established under the direction of the Superintendent of Public Instruction, with free tuition to teachers and members of training classes, for the training and instruction of common school teachers. They are held each year at Chautauqua, Thousand Island Park and Glen Falls, beginning about the middle of July and holding three or four weeks. Six thousand dollars are appropriated from the Free School Fund for this purpose each year. Other summer schools are held in some of the universities and at other places for the instruction of teachers and others. All these are doing valuable work in the preparation of teachers and raising the standard of education.

Public school moneys can only be paid to qualified teachers who are 18 years of age and who hold Teachers' Certificates. These are as follows:

1. **SCHOOL COMMISSIONER'S.** These may be obtained by passing the uniform examinations. They are of three grades:

(a) Third grade, for one year, and cannot be renewed. This now requires a knowledge of the common branches and physiology and hygiene, American history and school law.

(b) Second grade for two years after ten weeks successful teaching, and may be renewed upon re-



examination. This requires, in addition to a knowledge of subjects required for third grade, civil government, school economy, current topics and drawing.

(c) First grade for five years, and may be renewed for three, four or five years after successful teaching for corresponding periods without examination. This requires two years of successful teaching and a knowledge of algebra and elementary physics in addition to those required for second grade.

2. TEMPORARY LICENSE for six weeks pending the uniform examinations.

3. TRAINING CLASS CERTIFICATES for three years, second grade, and may be renewed the same as the first grade after three years of successful teaching.

4. NORMAL SCHOOL DIPLOMAS for life after completing the Normal Course.

5. STATE CERTIFICATES by Superintendent of Public Instruction, after teaching successfully two years and passing an examination in 25 subjects. These are for life.

6. COLLEGE GRADUATE CERTIFICATES by Superintendent of Public Instruction to college graduates who have taught successfully for three years.

7. PROFESSIONAL SCHOOL CERTIFICATES by Superintendent of city and village schools to graduates of their training schools.

Hereafter certificates must be dated August 1st.

#### FUNDS FOR COMMON SCHOOLS—HOW OBTAINED.

1. About three-fourths of these are obtained from a tax on the inhabitants of the school district.

2. A state school tax upon the real and personal estate of each county of the state of about one mill on each dollar for the support of the common schools of



the state, to be paid into the state treasury. The amount of this tax is determined each year by the Legislature. The amount raised in 1896 was \$4,062,903, which was raised by a tax of ninety-three one-hundredths of a mill on a dollar.

3. The Common School Fund. This was established in 1805 from the sale of 500,000 acres of state lands and must be always kept inviolate. There is added to the capital of this each year \$25,000 from the United States Deposit Fund. Its capital, 1896, amounted to \$4,398,140.77 and its income was \$224,488.87. From this income \$170,000 goes for the support of common schools, which, with \$75,000 from the United States Deposit Fund for this purpose, made the state moneys to be appropriated by the Superintendent of Public Instruction for common schools for 1897 and 1898 as follows:

United States Deposit Fund.....	\$ 75,000 00
Common School Fund.....	170,000 00
State School Tax.....	3,613,000 00
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	\$3,858,000 00

This has been apportioned as follows:

Salaries of School Commissioners.....	\$ 113,000 00
Supervision in Cities and Villages.....	87,500 00
School Libraries.....	45,000 00
State Teachers' Library.....	10,000 00
Contingent Fund.....	6,000 00
Indian Schools.....	3,505 05
Aggregate Attendance Quotas.....	819,054 95
District Quotas.....	2,773,940 00
	<hr/>
	\$3,858,000 00

4. The General Fund. Appropriations are made from the general fund for educational purposes for elementary education, including the expense of the department, normal, and other schools, and for the institutions for the deaf, dumb and blind, etc.

The Common School Fund is apportioned by the

Superintendent of Public Instruction the 20th of January, and is paid to the County Treasurer the third Tuesday of March. This is apportioned by the School Commissioners the third Tuesday of March to the districts of the several towns, and paid by the County Treasurer upon the School Commissioner's order to the Supervisors of each town. The amount expended for the maintenance of the public educational interests directly connected with the Department of Public Instruction in 1896 was \$24,165.724.34.

#### FUNDS FOR HIGHER EDUCATION.

1. The Literary Fund. This was established in 1786 from the sale of public lands. This has been augmented by grants by the Legislature and now amounts to \$284,000. The income from this, about \$12,000, is apportioned by the Regents for the benefit of academies.

2. The United States Deposit Fund. This came from the surplus in the United States Treasury distributed to the several states in proportion to their Representatives in Congress for safe keeping in 1836. New York's share was about \$4,000,000. This was set apart for Educational purposes. It is let by Loan Commissioners in the counties under the direction of the State Comptroller. Of its income \$34,000 goes to the literary fund, \$25,000 for public libraries, \$25,000 to the capital of the common school fund, \$75,000 to the common school revenue fund, and the balance is distributed to the use of academies.

3. The General Revenue Fund. From this the Legislature annually appropriates a certain amount for academic examinations and for other purposes of higher education. For 1897 the state Legislature has

appropriated to objects under the charge of the Regents of the University the following amounts:

Expense of the Regents Office.....	\$ 21,000 00
Academic Departments of Union Schools.....	60,000 00
Academies.....	139,112 09
State Library.....	22,900 00
State Museum.....	12,480 80
	<hr/>
	\$255,492 89

#### COLLEGE LAND SCRIP.

This grew out of a grant of 30,000 acres of public land, July 2, 1862, for each senator and representative in Congress, to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts. This state in 1863 accepted her share, which was 990,000 acres. April 27, 1865, the Legislature passed an act which appropriated to Cornell University the income from the sale of these lands. The proceeds of the sale of this land and the scrip are now held by this state for its benefit, and five per cent of these proceeds is transferred to the general fund and paid to its trustees each year. For 1897 there has been appropriated for Cornell University \$34,528.80, and for the State Veterinary College at Cornell University \$25,000. For this she gives free tuition to those taking the course in agriculture, and free scholarships each year to one scholar from each of the 150 assembly districts of the state. These are secured by competitive examinations which are held in the court house of each county the first Saturday of June each year.

These various sums appropriated for sustaining the numerous educational interests of the state show the deep interest that this state and its people have in the rising generations, and place us justly in the first rank in this direction.

Other states have their school systems and are

making progress. In the Western states provision was made for education in the survey of the lands into townships six miles square. These are divided into 36 sections, and every 16th section was reserved for the maintenance of public schools in that township. The 36th section has been reserved for that purpose since 1848. The proceeds of the sale of these lands constitutes a trust fund, the interest of which is applied by the state for the purposes intended. Most of these states have set apart other lands from which funds are derived for the support of their state universities.

## SECTION II.

The divisions of the states for the better administration of government varies in different sections of the United States. These are divided into three systems: The town system, as found in the New England states, where the town is the unit; the county system in the Southern states where the county is the unit, except Louisiana, where it is called a parish; the mixed system, as in New York and Pennsylvania and in some of the Western states. These vary in regard to the powers residing in each, but they are given here as found in this state.

### TOWN OR TOWNSHIP.

A body corporate occupying a definite portion of territory and exercising local jurisdiction under the control of the state. A subdivision of the county for the better administration of government. Organized or changed by the Board of Supervisors.

Its legislative function is performed by the town meeting, which is an assembly of its legal voters. Town meetings are to be held according to a law passed May 17, 1897, biennially, the place to be deter-

mined by the electors.\* The time in towns of less than 300,000 inhabitants is the second Tuesday of February. In towns containing more than this and less than 600,000 the second Tuesday of March, unless these times are changed by the Board of Supervisors of the county. In such cases the time must be fixed between February 1st and May 1st. Polls open at sunrise and close at sunset. Presided over by the justices of the peace or some one elected when any of them are absent. The town clerk records the votes and the business transacted and keeps them on file. Town business from 12 M. to 2 P. M.

The nominations for office by a town caucus of any party must be filed with the clerk of the town at least 15 and not more than 20 days before the town meeting or they lose their right to be voted for as party candidates. Vacancies occurring in party nominations may be filled by a majority of the committee of that party who signed the certificate, who may make a nomination to fill such vacancy, and such nomination must be filed in the town clerk's office at least six days before the town meeting.

#### POWERS OF TOWNS AS CORPORATE BODIES.

1. To determine the number of constables, not exceeding five, and pound masters that shall be chosen for the town.

2. To elect such town officers as may be required.

3. To direct the prosecution or defense of all actions and proceedings in which the town is interested, and in the raising of such sum therefor as they may deem necessary.

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\*The times for the election of officers and for holding of office, etc., are stated as they will be after the laws of 1895 and 1897 come into full operation.

4. To make provision for the destruction of obnoxious weeds and animals, the changing or abating of public nuisances.

5. To provide for raising funds for the support of the poor, the building of bridges, improvement of roads and other needed expense.

6. To make needful rules and regulations in regard to the various town interests and determine questions lawfully submitted to them.

7. To establish and maintain a pound convenient of access. It may purchase and hold property, make contracts and such orders for the disposition and regulation of property as may be conducive to the public interest.

All town officers must qualify by taking the oath of office and by executing such bonds as the law requires before entering upon their duties.

#### TOWN OFFICERS.

I. SUPERVISOR. Holds office two years. Pay, \$2 per day for town and \$4 for county work.

DUTIES as the executive officer of the town:

1. To receive the school money belonging to the town and pay out upon orders of the trustees.

2. To receive and pay all moneys raised for defraying town charges except those raised for the support of the poor and for highways and bridges.

3. To keep a true account in a book for that purpose of all moneys received and paid out, and deliver the same to his successor.

4. To receive and carry a certified copy of the report of the inspectors of election to the Board of County Canvassers. He represents the town in all suits in which it is a party and in other business transactions. He is the chairman of the Town Board.

II. TOWN CLERK. Holds office 2 years. Pay by fees and \$2 a day when employed by the day.

DUTIES.—1. To have the custody of all the records, books and papers of the town, and call special town meetings.

2. To act as clerk of the town meeting, keeping the poll list and a record of all the orders, rules and regulations voted at such meeting and at the meetings of the Town Board.

3. To file such papers, oaths and certificates as are required by law, and to certify to various papers.

4. To report to the Board of Supervisors all moneys voted in the town since their last meeting.

5. To report to the County Clerk the names of all constables elected and qualifying.

6. To keep the record of births, deaths and marriages in the town.

7. To deliver to his successor all books, papers, etc., belonging to the office.

III. JUSTICES OF THE PEACE. Four in each town, two elected biennially. They hold office 4 years commencing the first day of January succeeding their election. Pay by fees and \$2 a day when employed by the day. Must qualify before the County Clerk.

DUTIES.—1. To be the judicial officer of the town, holding Justice Courts and Courts of Special Sessions.

2. To issue warrants for the arrest of persons accused of crimes, also summonses for the purpose of bringing before them persons for trial in civil actions and subpoenas for witnesses.

3. He takes acknowledgement of conveyances, administers oaths, acts as inspector of elections at town meetings, and as one of the Board of Health, etc.

IV. CONSTABLES. Not to exceed five. Hold office 2 years. Pay by fees.



DUTIES.—1. To serve warrants, summonses and subpoenas issued by the justices.

2. To arrest persons accused of crime and bring them before the justice for trial, and to have the custody of them.

3. To collect moneys upon execution, and if necessary sell property to satisfy the same. Gives bonds for moneys collected.

4. As peace officer he sees that order is preserved in the community.

5. To attend the higher courts in his official capacity when directed by the sheriff.

V. ASSESSORS. Three in number. Hold office 2 years. Pay \$2 a day as assessor, and \$1 50 as fence viewer.

DUTIES.—1. To make an inventory of all the real estate in the town, naming the number of acres owned by each person, and to estimate the same at its real value.

2. To make an inventory of the personal property held by the several persons in the town, and after deducting just debts and exempt property, to assess it at its full value. The equalized value of real and personal property forms the basis for the taxes of the town, county and state. The assessors meet the third Tuesday of August and again the first of September each year to hear complaints and rectify mistakes. The completed assessment rolls are delivered on or before the first day of September to the town, village or city clerk, there to remain for 15 days, and public notice of the same given. A certified copy of the roll shall be delivered to the Supervisor on or before the first day of September, who shall deliver the same to the Board of Supervisors at their next meeting. These examine the rolls from the various towns, equalize and lay the taxes for the county, issue war-

rants for their collection, which, with the roll, are delivered to the Supervisor. He delivers the same to the Collector on or before the 15th of December. The Supervisor also delivers a copy of the same to the Town Clerk.

VI. COLLECTOR. Holds office two years. Pay by fees. He gives bonds to the Supervisor for double the amount to be collected, with one or more sureties for the faithful performance of duties.

DUTIES.—To receive the tax list and warrant, notify the public of the same, collect the taxes and pay the moneys over as directed in the warrant. He pays to the County Treasurer, on or before the 1st of February, all moneys collected for the county and state. He receives one per cent on moneys paid in the first four weeks, and five per cent on those paid in afterwards. He receives extra if property has to be sold for taxes.

VII. HIGHWAY COMMISSIONERS. One to three, determined by the vote of the town. Hold office two years. Elected by a separate ballot in towns having incorporate villages, where the inhabitants cannot vote for the Commissioners. Pay \$2 a day.

DUTIES.—1. To have the care and general supervision of the highways and bridges of the town.

2. To divide the town into districts and appoint overseers for the same.

3. To lay out new, and discontinue old, roads when so directed by a jury legally called for that purpose, or upon the petition of all the property owners upon the proposed road. All owners agreeing he may lay out roads without a jury.

4. To assess each taxable inhabitant in each district and determine the amount of tax for each, and the amount of work needed on the road.

5. To receive the reports and the unexpended

moneys from the overseers of highway, and expend the road moneys as directed by the town, and report to the Town Board.

VIII. OVERSEERS OF THE POOR. One or more, determined by the vote of the town. They may be appointed by the Town Board when so voted by the town. Hold office two years. Pay \$2 a day.

DUTIES.—To look after and provide for persons in indigent circumstances, and furnish them with such support as the town is holden for or may direct.

IX. TOWN BOARD. This consists of the Supervisor, who is chairman, Town Clerk, and two or more of the Justices of the Peace. This holds at least two meetings annually at the Town Clerk's office. The first is held on the Tuesday preceding the biennial town meeting and on the corresponding dates in each alternate year. This meeting is to audit the accounts of all officers who receive and disburse money for the town. They make a statement and append a certificate thereto showing the accounts of each officer, and file the same in the office of the Town Clerk, which is open to the public for inspection. The second is held on the Thursday preceding the annual meeting of the Board of Supervisors. This is for the purpose of auditing accounts and allowing or rejecting all charges, claims and demands against the town. Duplicates of accounts allowed and certificates for the same shall be made and signed by the majority of the Board. One of these duplicates is to be kept on file in the Town Clerk's office, and one is to be delivered to the Supervisor of the town to be laid before the Board of Supervisors at their annual meeting. This Board causes the amounts specified in these certificates to be levied and raised upon the towns in the same manner as they direct to levy and raise for other town charges. The town tax list for each town is made by some one

ordered by the Board of Supervisors, usually by their clerk.

Three town Auditors may, by vote of the town, be elected by the electors of the town, to hold office for two years, who shall audit the accounts of the town.

The Town Board is authorized by law to fill vacancies occurring in the town offices.

X. **BOARDS OF HEALTH OF TOWNS.** The Supervisor, Justices, Town Clerk, and a citizen appointed by these, constitute this Board. They appoint a Health Officer, who must be a physician.

**DUTIES.**—To enforce sanitary regulations for the town and co-operate with the State Board when required. Incorporated villages may accept the Town Health Board instead of appointing a Health Board. They supervise the registration of births, deaths and marriages.

XI. **FENCE VIEWERS.** The Assessors and the Road Commissioners constitute the Fence Viewers. Pay \$1 50 a day.

**DUTIES.**—To settle questions and disputes in regard to line fences, order changes in, and removal of, fences, etc., when necessary, determine where fences on streams or other line fences shall be located, and settle damages arising for trespass of cattle, by reason of poor fences, appraise the damage for sheep killed by dogs, etc.

XII. **POUND MASTER.**

**DUTIES.**—To keep and retain all beasts delivered to him as strays or for trespassing, until reclaimed and charges paid.

XIII. **ELECTION OFFICERS.** There must be for each election ward or district of the state four election inspectors, two poll clerks, and two ballot clerks. These are obtained as follows:

IN CITIES. The Boards of Election in Brooklyn, the Police Commissioner of New York, and the mayors of other cities shall appoint for each election district, from lists furnished them by the different political parties, four inspectors, two poll clerks, two ballot clerks, each class of which shall be equally divided between the two political parties which at the last election polled the highest and the next highest number of votes for Governor. These hold office one year.

IN TOWNS. The elected inspectors at their first meeting shall appoint one poll clerk and one ballot clerk, and the appointed inspectors shall appoint the other poll and ballot clerks, who shall hold office during the term of office of the inspectors appointing them.

INSPECTORS OF ELECTION. Two of these are elected for each election district at each biennial town meeting and two are appointed by the presiding officers of the town meeting for each election district. These shall be appointed from the political parties polling the highest and the next highest number of votes for the office of Governor at the last preceding election. These hold office two years. Pay \$2 a day.

DUTIES OF POLL CLERK.—To keep the poll book and enter upon the same the number and names of the electors voting and the number of ballots voted by him, etc., compare the poll book with the register and complete the tally sheet.

DUTIES OF BALLOT CLERK.—To deliver the official ballots to the electors, announce the elector's name and the number of the ballot, and care for the unvoted ballots.

DUTIES OF INSPECTORS.—1. To attend to the registration of voters at the times and places appointed by law. In towns the time is the third and

fourth Saturdays before election. In cities the third and fourth Fridays and Saturdays before the election.

2. To make ready the polling places, ballot boxes, etc., and see that the regulations are complied with.

3. To preside (appointing one of their number chairman) at the annual elections, receive the votes legally presented and deposit the same in boxes provided for that purpose.

4. To count the ballots at the close of the election.

5. To prepare, immediately upon completion of the canvass, one original statement and two certified copies thereof. These are in New York and Brooklyn delivered to the proper officers for registration, preservation and transmission to the state officers. In towns one certified copy is delivered to the Supervisor, or in his absence, to an assessor. One certified copy with the poll books, one tally sheet and one of the registers used must be filed in the town clerk's office within 24 hours after the completion of the canvass. The original certified statement of the canvass, with the sealed packages of void and protested votes, stubs and unvoted ballots, the record of challenged and assisted voters, one of the tally sheets and the three copies of the register must be filed within 24 hours in the County Clerk's office, for him to keep sealed for the County Board of Canvassers.

## SECTION II.

### COUNTY.

1. A civil division of a state or kingdom created for political, judicial and administrative purposes. In England it was ruled by a count or earl and corresponds to the English shire.

2. A body corporate consisting of a group of adjacent towns organized by the state Legislature for the better administration of government. There are 60 counties in this state. The colony of New York was first organized into counties in 1683. The 10 original counties were Kings, Queens, Suffolk, New York, Richmond, Westchester, Dutchess, Albany, Ulster and Orange.

The term of county officers begins January 1st after the election, and they must qualify before the County Clerk or Judge at least ten days after receiving notice of their election, and report annually to the Board of Supervisors. All candidates for office must give under oath a statement of all the expenses incurred or paid out for their election.

#### OFFICERS OF THE COUNTY.

##### I. THE SUPERVISORS OF THE SEVERAL TOWNS.

The powers of the county as a body corporate are vested in or can be exercised by the Supervisors, or in pursuance of a resolution by them adopted. Neglect to perform their duty subjects them to a fine of \$250.

##### DUTIES.—1. AS A BOARD OF CANVASSERS.

They meet on the Tuesday next following the election to canvass the votes from the several towns of the county. They elect one of their number as chairman. The County Clerk acts as the clerk of the canvass. After organization they receive all the records from the County Clerk and the Supervisors pertaining to the election,\* and proceed to canvass the votes. Their certified statements of the result are filed and recorded in the office of the County Clerk. He makes three certified copies of these, and within five days transmits one copy by mail to the Secretary

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\* See duties of Inspectors of Election.



of State, one to the Governor, and one to the Comptroller of the State, of the results of the election for electors for President, Vice President, Congressmen, state officers and Constitutional Amendments. He also within twenty days after a general, and ten days after a special, election transmits to the Secretary of State a list of all persons elected to office in the county and for the Assembly and School Commissioners; and on or before the 15th of December a certified copy of the official canvass of the votes cast in the county by election districts.

The State Board of Canvassers meet on or before the 15th of December after a general election, or within 40 days after a special election, to canvass the votes, after which the Secretary of State notifies the persons elected.

#### A GENERAL STATEMENT OF REQUIREMENTS IN REGARD TO ELECTIONS.

In the elections of the state each party chooses an emblem for their ballot which shall head the column for that party on the official ballot. The certificates of nominations of candidates for office must be filed before each election as follows: For state officers, if party nominations, with the Secretary of State at least 30, and not more than 40, days. If independent nominations, at least 25, and not more than 40, days. Those to be filed with the County Clerk or the police board of the city of New York, or clerks of other cities, if party nominations, at least 25, and not more than 35, days. If independent nominations, at least 20, and not more than 35, days. Those to be filed with town or village clerk, if party nominations, at least 15, and not more than 20, days. If independent nominations, at least 10, and not more than 20, days. In special elections ordered by the Governor the cer-

tificates must be filed with the proper officer not less than 15 days. All nominations for office must be publicly advertised. Those elected at the general election in designated newspapers for 6 days. Those to be elected at town or village elections posted notices at least one day in 10 public places. For the nominations of a party to be recognized as for a party it must have cast for state officers at least 10,000 votes at the last election. For independent nominations for state officers at a state election there must be a certificate subscribed by 6,000 electors, each of whom shall add to his signature his place of residence, and make oath that he is an elector and has truly stated his residence. These shall contain the titles of the offices and the name and residence of the candidates, and they are to be filed in the office of the Secretary of State. For elections in cities of the first class 2,000 certificates to be filed with the city clerk, except New York, where it is to be filed with the Police Commissioner, and in Brooklyn with the Board of Election. In cities of the second class 1,000 certificates filed with the city clerk. In elections for county officers 1,000 certificates filed with the County Clerk. For School Commissioner 500 certificates with the County Clerk, and for towns and villages 100 certificates filed with the town or village clerk.

**ELECTION DISTRICTS.** There were in this state Jan. 1, 1896, 5,467 election districts. These are established and towns divided by the Town Boards or by the Common Council of New York and Brooklyn if the towns or wards contain more than 400 electors.

**ELECTION EXPENSES.** The providing of polling places, booths and other necessary furniture, and the compensation of election officers in each election district shall be a charge upon the town or city in which the district is situated, except those of a village

election not held at the same time, which shall be a charge upon the village. The expense of printing all ballots and other matter for town meetings and village or city elections, not held at the same time as a general election, shall be a charge upon the city, town or village in which the election is held. The expense of printing and delivering all such ballots and the list of nominations and those included in the city of New York, at any other election if no town meeting or city or village election be held at the same time, shall be a charge upon the county. The expense, where town meeting, city or village elections are held at the same time with the other, shall be apportioned by the County Clerk between the the county, city, town or village in proportion to the number of candidates for each. The County Clerk furnishes the ballots except for town meetings and for city and village elections when not held at the same time as the general elections. The County Clerk delivers the ballots and other necessary papers in a sealed package to the town or village clerk, who calls for them at his office the Saturday before the election. These are delivered sealed to the Inspectors of Election one-half hour before the opening of the polls.

**NOTICES OF ELECTIONS.** The Secretary of State transmits to the clerk of each county, to the Police Commissioner of New York, and to the Board of Election of Brooklyn, three months before the election, the date of the same and the officers to be elected at the general election. These are filed and recorded in their respective offices. These cause a copy of their notices to be published once a week until election in newspapers designated for that purpose, also the amendments to the constitution to be voted on, if any. The Town Board of each town shall prepare and post not less than eight notices in each election district on

the 1st of September of each year of the time of the election and the offices to be filled. The Secretary of State, fourteen days before election, certifies to the County Clerks of each county except those connected with New York City, the candidates nominated by each party, etc., on file in his office, for whom the electors may vote. These send to the Town Clerk of each town, and alderman of each ward of a city, at least five printed lists of these candidates to be conspicuously posted 3 days before election, one of which shall be at the polling place.

## 2. AS A LEGISLATIVE OFFICER OF THE COUNTY.

To meet with the other supervisors of the county as a Board of Supervisors at such times as they may deem necessary. They organize by the election of a chairman and clerk. After organization the Board passes upon the abstracts of accounts as audited by the several boards of the town auditors; hear the reports of the county officers and audit all lawful accounts against the county, equalize the valuation of the towns, apportion the state and county tax to these, cause the tax lists to be made out, and issues warrants for the collectors of the towns for their collection. This Board fixes the salaries of various county officers, makes appropriations for county expenses, makes rules and regulations for the transaction of the business of the county, divides towns and makes new ones, fixes the times for town meetings for the county when necessary, has supervision of jails, county houses and other county property, directs in their management, and performs such other duties and acts of legislation as the constitution and statutes have conferred upon them. They are entitled to eight cents a mile in going to and from the county seat at each regular and special session of the Board.

CLERK OF THE BOARD OF SUPERVISORS. Appointed by the Board.

DUTIES.—1. To record the proceedings of the Board meetings and publish the same, and perform such other duties as they may designate.

2. To transmit to the State Comptroller, on or before the second Monday of December, the aggregate and equalized valuation of the real and personal estate in each tax district of the county and the amount of tax assessed for all purposes; also the names, business, capital and stock of all incorporated companies in the county and the assessed value of the same.

SHERIFF. One for each county. Vacancies filled by the Governor. Holds office three years, and he is prohibited from holding the same office for the next succeeding term and from holding any other office during his term. Pay by fees except where a specific salary is allowed. He gives bonds with two sureties for \$15,000 for the faithful performance of his duties, to be renewed each year.

DUTIES.—1. He is the executive officer of the county, and for the state in the county.

2. He, by himself or by his deputies, executes civil and criminal processes throughout the county for the county and state.

3. He has charge of the jails and prisoners in the same under the direction of the Supervisors.

4. He attends the courts held in the county, having custody of the prisoners, and executes the sentence of the courts.

5. He or his under sheriffs must be present at the drawing of jurors, and cause the same to be legally summoned.

6. He is charged with the duty of keeping the peace in the county, and may summon and compel

the assistance of citizens when necessary. He has deputies for whom he is responsible.

III. COUNTY JUDGE. Usually one for each county. Holds office six years from January 1st after his election. His salary varies in different counties.

DUTIES.—1. He is the presiding judge of the County Court, hearing and determining civil and criminal cases. He has original jurisdiction in cases where the amount involved does not exceed \$2,000.

2. He may, by request of the Judge of another county, hold courts in said county.

In counties containing less than 40,000 inhabitants he performs the duty of Surrogate. Counties containing more than this may elect a separate Surrogate for six years (fourteen years in New York County).

DUTIES OF SURROGATE.—1. To take proof of wills of real and personal property.

2. To grant letters testamentary or administrative authorizing persons to settle the estate of deceased persons.

3. To attend generally to the settlement of the estates of deceased persons.

4. To hold Surrogate Courts at stated times as required by law.

5. To appoint guardians for children without parents, and direct in their care and in the management of their estates.

IV. COUNTY CLERK. One, who holds office for three years. Paid by fees except when a specific salary is allowed.

DUTIES.—1. He is the clerk of the courts of record held in and for the county, recording the testimony, proceedings, rulings and judgments, and administers oaths to jurors and witnesses.

2. He draws the names of grand and petit jurors in some counties, and makes a return of the same.

3. He records deeds and mortgages, election returns, gives notices of elections, prepares the ballots, etc., searches the records when required, and performs other clerical work for the county.

4. Acts as clerk of the County Board of Canvassers, and transmits the results of elections to the Secretary of State.

5. He has the custody of the records, books and papers for the county.

V. TREASURER One, who holds office three years. Salary fixed by the Board of Supervisors at least six months before an election, which cannot be increased or diminished during his term of office.

DUTIES.—1. To receive the moneys collected in the several towns for county and state taxes.

2. To pay to the State Comptroller the amount belonging to the state.

3. To pay out the amounts belonging to the county as directed by law.

4. To receive from the State Comptroller the school money belonging to the county and pay the same to the several Supervisors as directed by the School Commissioners' certificates.

5. To make a general statement of the financial affairs of his office annually to the Board of Supervisors.

VI. DISTRICT ATTORNEY. One, who holds office three years. Salary fixed by the Board of Supervisors. Vacancy filled by the Governor. He can try civil cases when not officially engaged and receive the fees for the same. He must be a counselor at law in the Supreme Court, except in the county of Hamilton.

DUTIES.—1. He is the attorney for the county, being the legal advisor for its officers.



2. To present to the Grand Jury complaints made to him accusing parties of crimes, also questions the witnesses.

3. Draws bills of indictment when found by the Grand Jury.

4. He prosecutes indicted persons in the County and Supreme Courts.

VII. CORONERS. Four, who hold office three years. Vacancy filled by the Governor. They are entitled to a reasonable compensation for holding inquests to be audited and allowed by the Board of Supervisors. For performing the duties of the Sheriff they are entitled to the same fees as the Sheriff.

DUTIES.—1. To look after and inquire into all matters concerning persons slain or who have died mysteriously.

2. To summon a jury, subpoena witnesses, and ascertain, as far as possible, the facts in regard to the death. This is the inquest.

3. In cases of a vacancy in the office of the Sheriff, and there being no under Sheriff, one of the Coroners designated by the County Judge performs the duties of the Sheriff until said vacancy be filled by an election or appointment.

4. They have power to arrest the Sheriff upon criminal process.

VIII. SUPERINTENDENT OF THE POOR. One or three, the number to be determined by the Board of Supervisors. Pay by the day, or salary fixed by the Board of Supervisors.

DUTIES. To have general care of the county poor-house and the admission of paupers to the same. He appoints persons to take charge of the same and its inmates, and renders an account of all his doings and expenditures to the Board of Supervisors annually. His order is necessary to admit insane per-

sons to the state asylums at the county expense. Inmates of the county house from the several towns are kept at the expense of the towns from which they are sent, or at the county expense, according to the system adopted.

IX. NOTARIES PUBLIC. The number varies according to the needs. They are appointed for two years by the Governor and Senate. Pay by fees.

DUTIES.—To demand and accept payment of foreign bills of exchange and protest the same, and also notes on banks upon non-payment. They are commissioners of deeds, administer oaths, etc. They must have a seal which is recognized in other states.

X. LOAN COMMISSIONERS. The Governor and Senate usually appoint two for each county for two years. They receive a percentage for business transacted.

DUTY.—To loan and look after the State and United States Deposit Fund under the direction of the State Comptroller, to whom they must report.

XI. SCHOOL COMMISSIONER. One elected for each district every three years. Salary \$1,000 a year, payable quarterly out of the Free School Fund. The Supervisors of the county are required to audit \$200 extra for his expenses. A majority of the Supervisors of any School Commissioner's District may increase the salary of the School Commissioner of that district. This increase must be levied on the towns of that district. Women are eligible to the office. They enter upon their duties the 1st of January after they are elected.

DUTIES.—1. To apportion the school moneys from the state among the several school districts of the county, the third Tuesday of March of each year.

2. To make, on the 1st of August, an annual report to the Superintendent of Public Instruction con-

taining all the statistics embraced in the several reports from the trustees of the several school districts.

3. To visit and examine all schools in his district as often as shall be practicable each year, enquire into all matters relating to the management, discipline, courses of study, modes of instruction, text books used, care of house, etc., and do all he can to elevate the character and qualifications of the teacher and improve the method of instruction in the schools. Also to examine the condition of the buildings, sites and their appendages, and give advice in regard to heating, lighting, ventilating, and the general improvement of the houses and grounds; direct the trustees to make needed repairs and alterations of house not to exceed \$200, repair or provide new furniture, and to abate nuisances.

4. To have the boundaries of districts kept on file in the Town Clerk's office, to form new districts when required or change boundaries of old ones in conjunction with the Supervisor and Town Clerk, condemn unfit schoolhouses, and transmit the order, with the reasons for the same, to the trustee, and a copy to the Superintendent of Public Instruction, require new houses to be built and estimate the cost for the same, not to exceed \$800, which may be increased by vote of the district but not decreased more than 25 per cent.

5. To attend the uniform examinations for school teachers and enforce the rules and regulations for the same, and send the papers to the Department of Public Instruction, and endorse the various certificates granted by the Department to be used in his district.

6. To organize, at least once a year, or in connection with one or more Commissioners in the county,

Teachers' Institutes under the direction of the Superintendent of Public Instruction, and induce, if possible, all teachers in the districts to attend and take part in the exercises.

7. To visit training classes organized in academies and academic departments of union free schools. He is expected to inspect every class under his jurisdiction as often as once in each month during the term. He is to advise with and assist the Principal in the organization and management of such classes and report to the Department of Public Instruction the number of the class satisfying the conditions of admission, the character and quality of instruction imparted, etc. He or his deputy attends the examinations in January and June, send the papers to the Department and receive and report the results. The class is required to attend the Teachers' Institutes in the district, and each member must keep a full record of the subjects discussed and the methods of their presentation by the instructors, and submit the same to the teachers of the class.

### SECTION III.

#### STATE GOVERNMENT.

The government of the state is based upon the Constitution which must not conflict with that of the nation. It consists of three departments, the Legislative, Executive and Judicial.

#### LEGISLATIVE DEPARTMENT.

This consists of two branches, the Senate and the Assembly.

The Senate is composed of 50 members who are elected for two years in the senatorial districts. (See Constitution).

The Assembly is composed of 150 members elected for one year in the Assembly districts.

These districts are arranged by the Legislature after each enumeration every ten years to make each as near as possible of the same number of inhabitants excluding aliens. Every county is entitled to at least one member of the Assembly except Hamilton, which unites with Fulton. The senatorial districts consist of a portion of a county, a whole county, or two or more counties, but no county can be divided unless it be equitably entitled to two or more members. No county may have more than one-third of all the Senators, nor two present adjoining counties more than one-half. Counties entitled to more than one member of the Assembly are divided by the Board of Supervisors, or by the Common Council in cities.

#### I. ELIGIBILITY TO THE LEGISLATURE.

1. The candidate must be a citizen 21 years of age.

2. He must not, at the time of election or within 100 days previous thereto, be a member of Congress, a civil or military officer under the United States, or an officer under any city government.

3. The acceptance of any of these offices vacates his seat in the Legislature. The election for members of the Legislature is held the Tuesday succeeding the first Monday of November. The Legislature meets the first Wednesday of January. Salary \$1,500, and mileage both ways once during session at ten cents a mile.

#### II. DUTIES OF THE LEGISLATURE.

Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy: keep open doors except when the public welfare requires secrecy. Each house determines

its own rules, judges of the qualification of its members and elects its own officers. Neither house can adjourn for a longer time than two days without the consent of the other.

A quorum consists of a majority of all the members elected, and for a bill to pass raising a tax or affecting debts or appropriations three-fifths of all members elected shall constitute a quorum, and the question shall be taken by yeas and nays. Any bill may originate in either house and all bills passed by one house may be amended by the other, and the bill as amended must pass both houses.

### III. BILLS—HOW PASSED.

A bill is a proposed form of legislation before it becomes a law. It must be in duplicate, endorsed by title and accompanied by the name of the member introducing it. It may be introduced in the Assembly (*a*) by being placed in the bill box under the charge of the clerk, who hands it to the Speaker; (*b*) by report of a committee; (*c*) by order of the house; (*d*) by message from the Senate. It must, after its first reading, be referred to a standing or select committee, which report for or against it. If the report is favorable it must be placed on the order of its second reading. After this reading it is subject to debate and amendment. If amended it must be reprinted. After the third reading usually no amendments are permissible. These three readings must be on different days, and it may be read in three ways, (*a*) by reading the enacting clause; (*b*) by title; (*c*) by sections. If passed, it is delivered by the clerk to the Senate where it receives similar treatment. Both houses must concur in amendments. The Enacting Clause of all bills presented to the Legislature is prescribed by the Constitution as follows: The people of the State of New York, represented in Senate and



Assembly, do enact as follows: If this by a motion is stricken out, it kills the bill. Private or local bills must relate to a single subject only.

A bill to become a law must receive the assent of a majority of both branches of the Legislature, the yeas and nays being entered upon the journal, and approved by the Governor; or if he disapprove it he must return it to the house from which it originated, with his objections, within ten days after its reception. If two-thirds of both branches approve it after his veto it becomes a law without his signature. If not returned in ten days it becomes a law without his signature, if the Legislature is in session. If the Legislature adjourns before a bill has been signed he has thirty days to consider it, and if he signs it in that time it becomes a law; if he does not sign it it is lost. He can veto parts of an appropriation bill and sign the rest.

#### IV. DUTIES OF THE ASSEMBLY.

1. To take the oath of office. This is usually administered by the Secretary of State, but may be previously administered by judges of a Court of Record, and subsequently by the Speaker.

2. To organize by electing a Speaker from among their number who may vote upon all questions.

3. To elect a clerk who chooses his assistants, a sergeant-at-arms, doorkeeper and two assistant doorkeepers, from persons not members of the body.

4. To have co-ordinate jurisdiction with the Senate in the enactment of laws.

5. To prefer charges against officers for misconduct in office, which is called impeachment. In this event it appoints nine members to present the case to the Senate who are called managers of impeachment. They receive \$10 a day while engaged in this extra work. The Assembly is called to order



by the clerk of the last Assembly, the list of members having been furnished him by the Secretary of State.

#### V. DUTIES OF THE SENATE.

This is presided over by the Lieutenant Governor, who is called the President of the Senate. The Senate elect a President *pro tempore* when he does not attend or is called to act as Governor. He may give the casting vote.

DUTIES.—1. To take the oath of office and elect the remaining officers.

2. To have co-ordinate jurisdiction with the Assembly in enacting laws.

3. To act as a court of impeachment associated with the judges of the Court of Appeals. As a court and for meeting in executive session the pay is \$10 a day.

4. To confirm or reject appointments made by the Governor in executive session, such as United States Senators, Superintendent of Public Instruction, Regents, etc.

#### VI. KINDS OF VOTING.

All members may vote upon all questions. The Lieutenant Governor can only vote when there is a tie. (a) By showing hand; (b) by acclamation; (c) by division of the house; (d) by viva voce; (e) by ballot; (f) by yeas and nays. In the election of a United States senator and a few other officers the viva voce method is used. In this the names of those entitled to vote are called, and they respond by naming their candidate. By yeas and nays voting the names are arranged alphabetically and as each name is called they respond by saying yea or nay.

#### VII. IMPEACHMENT.

Public officers against whom charges have been preferred by the Assembly may be tried by a Court

of Impeachment. This court consists of a majority of the senators, a majority of the Court of Appeals, and the Lieutenant Governor, except when the Governor is being tried. In order to convict two-thirds of all must concur in the verdict. Penalty, removal from office, or removal and disqualification from holding any office of trust or profit in the state. They may be indicted, tried and punished by the courts according to the law for crimes.

#### EXECUTIVE DEPARTMENT.

Officers in this department may be divided into elective and appointive, because elected by the people and appointed by the Governor and Senate.

#### GOVERNOR AND LIEUTENANT GOVERNOR.

These are elected by plurality vote of the people. If not thus elected, they are chosen by the Legislature in joint session, the first day of the next session of the Legislature, from the two candidates having an equal number of votes. They hold office two years. The salary of the Governor is \$10,000 a year and a furnished house. Lieutenant Governor \$5,000 a year.

#### QUALIFICATIONS.

1st. They must be citizens of the United States.

2d. They must be 30 years of age.

3d. They must have been a resident of the state five years.

#### I. GOVERNOR.

DUTIES.—1. He is commander-in-chief of all the military and naval forces of the state.

2. He sees that the laws are faithfully executed and transacts all necessary business with the officers of the state government, civil and military, and with

other states, and expedites all measures resolved upon by the Legislature.

3. Has power to convene the Legislature on extraordinary occasions, and the Senate in executive session, and to adjourn the Legislature when unable to agree upon a time for adjournment.

4. Communicates to the Legislature by message at every session the condition of the state, and recommends such measures as he deems expedient. He sends to the Senate the names of persons that he nominates for office.

5. He has the power to grant pardons, reprieves and commutations for crimes, and make requisitions upon the Governors of other states for the return of criminals that have escaped into their states.

## II. LIEUTENANT GOVERNOR.

DUTIES.—1. He is President of the Senate.

2. If the Governor dies or resigns, or otherwise is unable to perform his duties, they devolve upon the Lieutenant Governor for the residue of the term.

3. He is ex-officio one of the Commissioners of the Land Office, the Canal Fund, member of the Canal Board, trustee of the Capitol, Idiot Asylum, member State Board of Charities, and Regent of the University.

III. SECRETARY OF STATE. Elected for two years. Salary \$5,000.

DUTIES.—1. He is the keeper of the records, books and papers belonging to the state.

2. Receives and records all pardons, and all other executive and legislative acts, election returns, attesting to them with his signature, sends election notices to the proper officers, etc.

3. Furnishes certified and printed copies of laws to the United States, state and county officers and other persons authorized to receive the same, and

supervises the printing of the laws passed each year.

4. Reports annually to the Legislature statistics of pauperism, crime and other information called for. He is a member of the Canal Board, Commissioner of the Land Office, a member of the Board of State Canvassers, State Charities, a Regent of the University, and a trustee of the Idiot Asylum, Capitol and State Hall.

IV. COMPTROLLER. Elected for two years. Salary \$6,000.

DUTIES.—1. He superintends and manages the fiscal affairs of the state.

2. Reports to the Legislature the annual revenues, expenditures and estimates, and audits, examines and settles the accounts due the state or from it to others.

3. Directs and superintends the collection of taxes and other moneys.

4. Draws warrants on the Treasurer for the payment of state obligations, negotiates temporary loans if necessary to meet the demands of the state.

5. Countersigns and registers all Treasurer's checks and receipts. He is member of the Canal Board, State Canvassers, State Board of Charities, Commissioner of the Land Office and Canal Fund, a trustee of the Capitol, State Hall and Idiot Asylum.

V. TREASURER. Elected for 2 years. Salary \$5,000.

DUTIES.—1. He has charge of all moneys paid into the state treasury and keeps the state bank account.

2. Pays drafts upon the warrant of the Comptroller, the Auditor of the Canal Department, the Superintendent of the Banking Department, and of the Superintendent of Public Instruction. He is Commissioner of the Land Office, of the Canal Fund,

a member of the Canal Board and of the Board of State Canvassers.

VI. ATTORNEY GENERAL. Elected for two years. Salary \$5,000.

DUTIES.—1. He is the legal advisor of the officers of the state.

2. He prosecutes and defends all suits in which the state is a party, receives cost adjudged to the state, etc.

3. Prepares drafts of contracts, etc., for officers of the state, and prosecutes in their behalf persons violating the laws in regard to their departments.

4. Prosecutes criminals in Trial Term when required by the Governor or Justices of the Supreme Court. He is Commissioner of the Land Office and of the Canal Fund, a member of the Canal Board, of State Canvassers and Board of State Charities, and trustee of the State Capitol and State Hall.

VII. STATE ENGINEER AND SURVEYOR. Elected for 2 years. Salary \$5,000. Must be a practical surveyor.

DUTIES.—He prescribes the duties of, and assigns divisions of the canal to engineers, and appoints the same. Visits and inspects the canals, prescribes surveys, maps, plans, estimates, etc., in the construction and improvement of the canals. He is a member of the Canal Board, State Canvassers, a Commissioner of the Land Office and a trustee of the State Hall.

VIII. SUPERINTENDENT OF BANKING. Appointed by Governor and Senate for three years. Salary \$5,000.

DUTIES.—1. He is vested with the general supervision of the banks operated under the laws of the state. They report to him quarterly, and when issu-

ing circulating notes deposit their securities with him for their redemption.

2. The Savings Banks, Trust, Loan, Mortgage and Indemnity Associations, report to him semi-annually. Building and Mutual Loan Associations, etc., are under his supervision and report annually to him.

3. He examines these regularly and reports annually to the Legislature.

4. When banks prove insolvent he sells their securities and redeems their circulation.

IX. SUPERINTENDENT OF INSURANCE. Appointed by Governor and Senate for three years. Salary \$7,000, paid by fees from Insurance Companies.

DUTIES.—He has general supervision of the Insurance Companies doing business in the state, giving or refusing them permission to operate in the state according to the condition in which he finds them upon examination. He reports annually to the Legislature.

X. SUPERINTENDENT OF PRISONS. Appointed for five years by Governor and Senate. Salary \$6,000.

DUTIES.—He has general supervision of the prisons of the state and of the convicts, and appoints the agents, wardens, physicians and chaplains of the same. The prisons of the state are Clinton, Auburn, Sing Sing, and a woman's prison at Auburn. The Comptroller appoints the clerks.

XI. SUPERINTENDENT OF PUBLIC WORKS. Appointed by Governor and Senate for the term of the Governor who appoints him. Salary \$6,000.

DUTIES.—1. He is charged with the execution of all laws relating to the repair and navigation of the canals; also those relating to the construction and im-

provement of canals, except such as are confined to the State Engineer and Surveyor.

2. He makes rules and regulations for the navigation and use of the canals, and appoints three assistants and a number of officers employed in the care of the canals.

XII. COURT OF CLAIMS. Three are appointed by the Governor and Senate for six years. Salaries \$5,000.

DUTIES.—Two of the three must be practicing attorneys and counselors in the Supreme Court. It takes the place of the Canal Appraisers and the State Board of Auditors. They have jurisdiction to hear, audit and determine all private claims against the state, and also the claims of the state against any person, and make an award therefor. They meet the second Tuesdays of January and November at Albany.

XIII. RAILROAD COMMISSIONERS. Three, appointed by the Governor and Senate for five years. Salary \$8,000.

DUTIES.—To have general supervision of all railroads in the state, as to the manner they are operated with reference to the security and accommodation of the public. They investigate all accidents resulting in loss of life or injury to persons. They have power to examine books and affairs of railroad corporations in the state and report annually. Their office is in Albany and they meet each month.

XIV. CIVIL SERVICE COMMISSION. Three, appointed by Governor and Senate. The term of office is not fixed. Salary \$2,000.

DUTIES.—To aid the Governor in the preparation of suitable rules to test by practical and competitive examinations the capacity and fitness of applicants for employment in the public service of the state. They make regulations and control the examinations



of applicants, and inspect those prescribed by the mayors of cities.

XV. STATE ASSESSORS. Three, appointed by the Governor and Senate for three years. Salary \$2,500.

DUTIES.—To visit each county at least once in two years, and prepare a digest of facts for the Board of Equalization of Assessments in the discharge of their duties.

XVI. THE STATE BOARD OF EQUALIZATION is composed of the State Assessors and the Commissioners of the Land Office. Their duty is to equalize the state tax among the several counties of the state, and fix the amount of the real and personal property on which the state tax shall be levied in each county. They meet at Albany the first Tuesday of September in each year.

XVII. COMMISSIONER OF AGRICULTURE. Appointed by the Governor and Senate for three years. Salary \$4,000.

DUTIES.—Appoints directors of Farmers' Institutes, five butter and cheese maker experts, and such other officers as are required to best subserve the interest of agriculture in the state and carry out the laws for the protection of these interests. He also has the care and custody of the forests of the state, etc.

XVIII. STATE CANVASSERS. Secretary of State, Comptroller, Treasurer, Attorney General, State Engineer and Surveyor constitute this Board.

DUTIES.—To canvass the votes from the counties of the state and declare the result. They meet on or before the 15th of December after a general election, and within 40 days after a special election.

XIX. STATE BOARD OF HEALTH. Composed of three State Commissioners appointed for three years

by the Governor and Senate, two of whom shall be physicians of not less than seven years' practice. These, with the Attorney General, the health officer of the port of New York, and the secretary elected by the Board, and three representatives of the city Boards of Health (one of which shall be a commissioner of health from the Board of Health from New York) named by the Governor, constitute this Board.

DUTIES.—To take cognizance of the interests of health and life among the people of the state, to make inquiries in respect to the causes of disease, especially of epidemics. To investigate the sources of mortality and the effects of localities, employment and other conditions of public health, collect information relative to death, disease and health. To have general supervision of the state system of registration of births, deaths and marriages, the transfer and burial of the dead, etc. It meets at least once in three months, and on or before the first Monday of December each year reports to the Governor upon the vital statistics and sanitary condition and prospects of the state.

XX. STATE BOARD OF CHARITIES. This is composed of twelve members appointed by the Governor and Senate for eight years. One is appointed from each judicial district of the state, and one additional from the county of Kings, and three from the county of New York.

DUTIES.—To visit annually and inspect all charitable and eleemosynary, correctional and reformatory institutions, except prisons. They also inspect the county poor-houses and city alms-houses every two years. They make contracts for maintenance of state paupers and report annually to the Legislature. They are reimbursed for their expenses.

XXI. COMMISSIONERS OF LUNACY. This con-

sists of three members appointed by the Governor and Senate for six years. One, the president, shall be a reputable physician of at least ten years' experience as a practitioner and five in the care and treatment of the insane, and who has had experience in the management of institutions for the insane. He receives annually \$5,000. One shall be a reputable attorney and counselor-at-law of the courts of the state of not less than ten years' standing. He shall receive \$3,000 annually. The third commissioner shall be a reputable citizen and shall receive \$10 a day for actual services rendered. Each shall receive \$1,200 in lieu of traveling expenses.

DUTIES.—They are charged with the execution of the laws relating to the custody, care and treatment of the insane. They examine all institutions, public and private, authorized to care for the insane, their buildings and grounds, study the care and management of the patients, keeping a record of all patients, visiting them at least twice each year. They license private institutions, supervise the expenditures of the state hospitals for the insane, etc. They appoint physicians as examiners in lunacy and report annually to the Legislature. These hospitals are located as follows: Utica at Utica, Willard at Willard, Hudson River at Poughkeepsie, Buffalo at Buffalo, Middletown at Middletown, Binghamton at Binghamton, Rochester at Rochester, St. Lawrence at Ogdensburg, Collins at Collins, Long Island at Kings Park, Manhattan at New York. Each state hospital is under the control and management of seven managers appointed by the Governor. A medical superintendent, a physician, is appointed by the managers, and such other officers as are deemed necessary.

## XXII. SUPERINTENDENT OF PUBLIC INSTRU-

TION. Elected by joint ballot at a joint session of the Senate and Assembly for three years on the second Wednesday of February next preceding the expiration of the then incumbent of the office. Term commences the 7th day of April. Salary \$5,000, paid monthly by the Treasurer upon warrant of Comptroller. Office in capitol. He appoints a deputy whose salary is \$4,000; also clerks and numerous employees.

DUTIES.—1. He has general supervision of the public schools, visits them, inquires into their management, advises and directs in regard to their courses of instruction and discipline.

2. He apportions and distributes the public money appropriated by the state for the aid of schools on or before the 20th of January, examines the supplementary apportionments made to all the districts by the School Commissioners, and sees to it that to each district is set apart its proportionate share, and that the same is expended by the trustees and paid by the Supervisors of the town according to law. No money can be used for sectarian schools.

3. He gives advice and direction to school officers, teachers and inhabitants upon questions arising under the school laws and establishes rules and regulations concerning appeals.

4. He hears and decides all appeals involving school controversies that are brought before him, and his decision is final.

5. He is charged with the general management of Teachers' Institutes in the various counties of the state; is authorized to employ instructors for institutes, and to pay them, and to certify to the accounts for the expense incurred by the School Commissioners in conducting the same. He visits the institutes and advises concerning their management.

6. He establishes rules and regulations concerning district school libraries, makes appointments of state pupils for the instruction of the deaf and dumb and blind, and visits them and enquires into their condition and management. He has charge of the Indian schools.

7. He apportions among the counties the number of pupils in the state normal schools to which each is entitled; makes laws and regulations in regard to teachers' classes in academic and union schools; directs in regard to the examinations and the granting of certificates to teachers; has general supervision of the normal schools, except Albany, and is chairman of its executive committee.

8. He receives and compiles the Commissioners' abstracts of the reports from the school districts in the state, setting forth their condition and the account of receipts and expenditures for each year, and reports annually to the Legislature the condition of the public schools.

9. He directs School Commissioners in the uniform examinations, suggests plans for the improvement of the schools and the instruction in the state, prepares register blanks, forms, etc., for making reports and distributes them to the proper officers, and designates the schools which shall instruct Teachers' Training Classes.

10. He is a Regent of the University, a trustee of Cornell and Syracuse Universities and the Idiot Asylum. Gideon Hawley was appointed the first Superintendent of Common Schools in 1812 and held office till 1821, with a salary of \$300. He established the district system, perfected a system for the management of the School Fund and for its equal distribution into every district, and developed a plan by which the vast machinery could be managed by one

man. The office of Superintendent of Public Instruction was established in 1854.

XXIII. UNIVERSITY OF THE STATE OF NEW YORK. Incorporated 1784. This consists of 34 colleges of art and science, 7 colleges of art for women, 24 medical schools, 7 law schools, 14 theological schools, 17 technical and special schools, and 469 academies and academical departments of union and high schools. The object of the university "Is to encourage and promote education in advance of the common elementary branches." It is not a teaching institution but advisory and administrative. Its government is vested in a Board of Regents consisting of 19 elected for life at a joint session of the two houses of the Legislature, and the Governor, Lieutenant Governor, Secretary of State, and Superintendent of Public Instruction, who are ex-officio Regents. They receive no salary. They elect a Chancellor and a Vice Chancellor, and a Secretary, who receives \$5,000 a year and who is responsible for the safe-keeping of the seal, books and records of the office and the proper administration and discipline of the various offices and departments. Gives bonds for \$10,000. Numerous other officers and assistants are employed in the work of the different departments.

POWERS AND DUTIES.—Besides many other important powers and duties, the Regents have power to incorporate and to alter or revoke the charters of universities, colleges, academies, libraries, museums, or other educational institutions. To distribute to them funds granted by the state for their use, inspect their workings, and require annual reports under oath of their presiding officers; to establish examinations as to attainments in learning and confer on successful candidates suitable certificates, diplomas and degrees, and to confer honorary degrees.



They apportion annually \$106,000 from the General Fund for educational purposes. A part of this is for buying books and apparatus for academies and high schools that raise an equal amount for the same purposes, and the remainder on the basis of attendance and on the results of instruction as shown in the satisfactory completion of prescribed courses for which the Regents' examinations afford the official test. They also expend \$25,000 for the benefit of free public libraries, apportioning not to exceed \$200 yearly to communities raising equal amounts, and lending small libraries for periods of six months where such assistance is needed to supplement local free libraries or to stimulate interest in establishing them. The law requires all incorporated institutions to be members of the University or they cannot have legal existence in the state. Regent's meetings are held on the third Thursdays of October, December and March. Convocation of the Regents and officers of institutions in the University for the consideration of subjects of mutual interest is held annually in the Senate Chamber in Albany on the last Wednesday, Thursday and Friday in June. The administrative department indicate the work of the University: (a) Regents' office, (b) examinations, (c) extension, (d) state library, (e) state museum.

XXIV. There are various other administrative branches or boards the names of which indicate their duties, such as the Board of Mediation and Arbitrations composed of three members whose duty it is to try to settle strikes, lockouts, etc. Bureau of Labor Statistics, Factory Inspector, State Meteorological Bureau, Agricultural Experiment Station, State Commissioner of Excise appointed to carry out the Raines Liquor Law, and others. All these boards, commissions and departments have numerous depu-



ties, clerks and assistants to aid them in their many duties.

XXV. THE MILITIA OF THE STATE. This consists of all the able-bodied male citizens of the state between the ages of 18 and 45, and the enlisted men of not less than 10,000, who shall be uniformed and equipped, disciplined and ready for service. The Governor is the Commander-in-Chief and he may call them out for service any where in the state.

#### JUDICIARY OF THE STATE OF NEW YORK.

All the officers are elected in the district or division in which they perform their duties.

I. JUSTICE COURTS. Held by one of the Justices of the Peace. It has jurisdiction in civil actions in which the judgment does not exceed \$200. In criminal cases it can try where the penalty does not exceed a fine of \$50, or incarceration in jail for more than six months. Usually in higher crimes beyond its jurisdiction, the criminal is arrested upon its warrant, and after examination is committed to jail or is bound over and released upon bail to await the action of the Grand Jury. Justice Courts have a jury of six in civil cases if desired. An appeal goes to the County Court.

II. COUNTY COURT. Presided over by the County Judge. This has original and appellate jurisdiction over civil and criminal cases in the county, intermediate between the Justice and District courts of cities and the Supreme Court. It has original jurisdiction in civil cases where the judgment does not exceed \$2,000, and where both parties reside in the county, and appellate jurisdiction where cases come from the lower or district and justice courts. It can try criminals, but not for the higher crimes. Criminals must be indicted by the Grand Jury be-

fore trial, and then tried by the Trial Jury of twelve men, which determines the facts. The Judge may hold courts in other counties if invited by the judge of that county.

III. SURROGATE COURTS, or PROBATE COURTS. This court is held by the County Judge except in counties having more than 40,000 inhabitants, where a Surrogate is elected for 6 years, except in New York, where they are elected for 14 years. In these cases they have no other official duties. The legislature may appoint local officers, not more than two in each county, to exercise his duties, and it may confer on the Supreme Court of any county having a population exceeding 400,000, the powers and jurisdiction of the Surrogate, with authority to try issues of fact by a jury in probate cases. The duties of this court are to prove wills and settle questions arising in the distribution and settlement of the estates of deceased persons, and the care of orphan children. This court is not considered a court of record and its decisions may be reversed by the higher courts.

IV. SUPREME COURT. This consists of 76 Justices whose term of office is 14 years, or until they are 70 years of age. Their salary is \$7,200 except in New York and Kings counties, where they have additional compensation. They are elected in the districts in which they reside but their jurisdiction may extend to all parts of the state. This court has general jurisdiction in law and equity and of all actions civil and criminal under the laws not provided for in the lower courts. For Judicial convenience the state is divided into eight Judicial Districts, which may be changed by the Legislature after each enumeration of the inhabitants of the state, and the Justices to be elected may be re-apportioned. The eight Judicial Districts elect Justices as follows: The 1st, embracing

the city and county of New York, 22. The 2d, Richmond, Suffolk, Queens, Kings, Westchester, Rockland, Dutchess and Putnam counties, 12. The 3d, Columbia, Rensselaer, Sullivan, Ulster, Albany, Greene and Schoharie counties, 6. The 4th, Warren, Saratoga, St. Lawrence, Washington, Essex, Franklin, Clinton, Montgomery, Hamilton, Fulton and Schenectady counties, 6. The 5th, Onondaga, Jefferson, Oneida, Oswego, Herkimer and Lewis counties, 7. The 6th, Otsego, Delaware, Madison, Chenango, Tompkins, Broome, Chemung, Schuyler, Tioga and Cortland counties, 6. The 7th, Livingston, Ontario, Wayne, Yates, Steuben, Seneca, Cayuga and Monroe counties, 7. The 8th, Erie, Chautauqua, Cattaraugus, Orleans, Niagara, Genesee, Allegany and Wyoming counties, 10.

The divisions of this court are as follows:

1. TRIAL TERM. This is to try causes civil and criminal by one Justice, and a jury to try issues of facts.

2. SPECIAL TERM. This is to hear and decide motions, and appeals in law and equity, by one Justice, no jury.

3. APPELLATE DIVISION. This is to hear appeals from the lower courts.

For the Appellate Division the state is divided into four Judicial departments. The first department consists of the city and county of New York. The others are bounded by county lines, compact and having as nearly as possible an equal number of inhabitants. The first of these has 7 Justices, the other 3 have 5 each. These 22 Justices are designated by the Governor from all the Justices elected. He also designates the presiding Justice for each, who must reside in the department and who shall act during his term of office. The others are desig-

nated for 5 years and a majority of them must reside in the department. The Justices of the Appellate Division in each department fix the time and place for holding Trial and Special Terms therein, and assign Justices and make rules for the same. No Justice can sit on any case that he acted on in its trial. The County Clerk is the clerk of the Supreme Court in the county in which it is held, and his seal is used by the Court, but the Appellate Division may appoint its clerk and the place for his office.

V. COURT OF APPEALS. This is composed of a Chief Judge and six Associate Judges who hold office 14 years or until they are 70 years of age. The salary of the Chief Judge is \$10,500 and of the Associate Judges \$10,000, with an allowance of \$2,000 for traveling expenses. Five constitute a quorum and four for a decision. They can hold no other office or public trust. Their jurisdiction, except in cases where judgment is a sentence of death, shall be limited to the review of questions of law. Appeals in other cases must come from the Appellate Division of the Supreme Court, except in special cases. It has full power to correct or reverse the decisions of the Supreme Court, except an unanimous decision of the Appellate Division. They may be removed by two-thirds vote of the Senate upon recommendation of the Governor. This Court chooses its own clerk and reporter, and it has its office in the State Capitol. Questions of the constitutionality of a law is determined by the Supreme Court.

VI. THE COURSE OF APPEALS. Appeals go from Justice Court and other lower courts to County Court, from Trial or County Court to Special Term, from Special Term to Appellate Division, and from this to Court of Appeals. These higher courts may affirm or reverse the decisions of the lower courts or

grant new trials. The decision must be carried out by the court that made it, or if a new trial be granted it must be tried in the same court, before a different jury or in a court having the same jurisdiction. Vacancies in these courts are filled by the Governor until the next election.

Lower courts may be established by the Legislature but these are not to be courts of record.

Courts of Special Sessions are continued in New York City. It has also Judicial Districts in which one Justice is elected for civil and one for criminal cases.

VII. JUDICIAL PROCEEDINGS. In these there are two parties, the Plaintiff, who institutes or brings the suit, and the Defendant, against whom the suit is brought.

IN CIVIL CASES for the securing of property right the action is brought and the summons obtained by the Plaintiff, which is served by constable or sheriff upon the Defendant. The complaint and the answer are the Pleadings. If there is an issue and trial witnesses are subpoenaed, the attorney for the plaintiff makes his statement and presents his witnesses, and then the defendant does the same. The defendant, in the closing of the case, gives his arguments first, which are followed by those of the plaintiff. When the trial is before a jury the Judge gives them a summary of the evidence, the points for their decision, and instructions as to their duty. They then retire to deliberate. Their verdict, if unanimous, determines the judgment, which the Judge renders. If not unanimous a new trial must be held before another jury unless the case is settled. The party defeated pays the cost and the judgment. If judgment is not paid an execution is issued against the property of the one beaten which may be sold.

If appealed to a higher court the expense must be paid and security given for the cost in the higher court.

IN CRIMINAL CASES the complaint and the warrant are made in the name of the state, or "in behalf of the people." Before trial criminals must be indicted by the Grand Jury. The accusation is made out by the District Attorney, who presents to the jury the evidence, and if considered sufficient by them, they render the verdict in favor of a trial and the District Attorney makes out the Bill of Indictment which is presented to the court. If not in custody the person indicted is arrested upon a warrant issued by the court, and if not ready for trial the accused is put in jail or bailed by giving sureties or bonds for appearance at court. If tried it must be before a Trial Jury in a similar manner to civil cases. If not able to furnish counsel the state furnishes it, and when arraigned the prisoner pleads guilty or not guilty. If the pleading is guilty, judgment is rendered. If not guilty a trial must be held and judgment rendered according to the verdict of the jury.

COURT MARTIAL. A military court composed of officers of the army to try cases of violations of military law.

VIII. COURTS OF CONCILIATION have been formed in Iowa at the suggestion of her Norwegian citizens, like the courts in Norway where nine-tenths of the civil cases are adjusted without further litigation. Four commissioners of conciliation are elected at the same time and in the same manner as the Justices of the Peace, from the qualified voters. These hold office two years, or till their successors are elected. When warrants are issued by Justices in civil actions two Commissioners are subpoenaed to appear before him at the time of the return of the



warrant. The parties state their differences, which are recorded by the Justice, and then evidence is introduced. After hearing this the Justice and the Commissioners shall to the best of their ability try to persuade the parties to an amicable settlement of their difficulties on such terms as are just and equitable. If they succeed, the agreement is entered as a judgment of the court. No attorney is allowed to be present. If not settled, the case is adjourned for trial, in which proceedings before the Commissioner shall form no part of the evidence, nor can the Commissioner testify.

#### JURIES.

A jury is a body of men selected according to law and sworn to inquire into and try any matter of fact presented to them, and declare the truth of it on the evidence presented in the case.

#### QUALIFICATIONS OF TRIAL JURORS IN JUSTICE COURTS AND COURTS OF RECORD.

1. A male citizen of the United States and a resident of the county.
2. Not less than 21 nor more than 70 years of age.
3. Assessed for personal property belonging to him in his own right to the amount of \$250; or the owner of a freehold estate in real property situated in the county belonging to him in his own right of the value of \$150; or the husband of a woman who is the owner of a freehold estate belonging to her in her own right.
4. In the possession of his natural faculties, and not infirm or decrepit.
5. Free from all legal exceptions; of fair character, of approved integrity, of sound judgment and well informed.



## PERSONS EXEMPT FROM JURY SERVICE.

Clergymen, postmasters, physicians, teachers, members of fire companies, national guards, policemen and locomotive engineers are among those that are exempt.

## KINDS OF JURIES.

1. A jury of six men for the trial of cases in Justice Courts. Twelve are drawn from the list in the Town Clerk's office and are summoned by the constable. From these six are selected to sit on the trial.

2. A jury of not less than six men is summoned by order of the Road Commissioner and drawn by the Town Clerk for the purpose of deciding as to the necessity of laying out new or discontinuing old roads.

3. A jury of not less than six or more than fifteen men summoned by the Coronor to inquire into the cause of any violent or myterious death.

4. A jury of twelve men, called a Petit or Trial Jury, whose duty it is to try causes in Courts of Record. In this state all must agree in the verdict. In some states, as in Nevada, only three-fourths are required to agree in civil cases.

5. A jury called the Grand Jury, of not less than sixteen or more than twenty-three, whose duty it is to examine into accusations against persons charged with crimes, and if sufficient evidence is presented to warrant a trial, to find a bill of indictment against them to be presented to the court. These examinations are with closed doors, and a majority is necessary to indict.

6. A Struck Jury is one ordered by the Supreme Court when it shall appear that an impartial

trial cannot otherwise be had, or when the importance or intricacy of the case requires such a jury.

The clerk of the court, deputy clerk or commissioner selects from the jury list of the several towns forty-eight persons whom he shall deem most indifferent between the parties and best qualified to try the causes. From this list each party may alternately strike out until only twenty-four are left. The jurors are then selected from these.

#### PETIT OR TRIAL JURORS—HOW OBTAINED.

1. **TRIAL JURORS.** In counties with less than 150,000 inhabitants a list is made out by the Supervisor, Town Clerk and Assessors in the several towns of the counties every three years, of the names of the qualified persons. These are filed in the Town Clerk's office for the courts of the town, then sent to the County Clerk. The names in the several lists, after being recorded in the County Clerk's office, are written upon separate slips of paper of the same size and deposited in a box prepared for that purpose in the County Clerk's office.

2. **GRAND JURY.** The Board of Supervisors every year apportion 300 qualified persons among the several towns in the county in proportion to the population. Each Supervisor selects from his town the number to which it is entitled, and the names in the several lists are written or printed upon separate slips of paper and deposited in a box in the County Clerk's office.

3. **COMMISSIONERS OF JURORS.** Laws of 1895, '96, '97. These are appointed in counties having a population of from 150,000 to 300,000 or more, by the Justices of the Supreme Court and the County Judge, and in every county except Onondaga, that contains a city of not less than 60,000 or more than 120,000

population, they are appointed by the County Judge, Surrogate and County Clerk. The duty of these Commissioners is to receive the list of names furnished by the Supervisors, Assessors and Town Clerks of the several towns and cities of the county as qualified jurors. They examine these as to the qualifications, write certificates of exemption for those entitled to receive them, make an alphabetical list of those qualified, and file in their office, and a copy of the same in the County Clerk's office, and deposit these names written on slips in the jury box. From these are drawn the Trial and Grand Juries for the Courts of Record in that county, and in some cases lists are furnished from these for lower courts in towns and cities.

#### JURORS—HOW DRAWN.

In the counties that have Commissioners they usually draw the required number of names from these boxes in the presence of the Justice of the Supreme Court, the Sheriff and the County Clerk. In other counties this is done by the County Clerk in the presence of the County Judge and Sheriff. These must be drawn not less than 14 or more than 28 days before the sitting of the court. The notice of the drawing must be published six days in designated papers in the county before it is to take place, and the Sheriff notifies those persons drawn at least six days before the sitting of the court. The names of the jurors drawn are deposited in another box, and at the court the required number of Trial Jurors are drawn from this, twelve being drawn that are satisfactory to the parties on the case for which they were drawn. If the twelve fail to agree the Judge dismisses them, and a new trial is ordered with a different jury unless the suit is discontinued. This jury elects their own chairman or foreman who makes the report.

The Grand Jury are drawn, twenty-four in number, from the same box, and not less than sixteen nor more than twenty-three must act as the Grand Jury. The Judge appoints their foreman, and they appoint a clerk who records the testimony. Only the witness and the District Attorney can be present with them, and a majority must agree to indict. The bill of indictment is drawn up by the District Attorney and handed to the court, and the indicted person, unless in custody, is arrested by the Sheriff.

#### SPECIAL COMMISSIONERS OF JURORS.

In counties of more than 500,000 population the Justices of the Appellate Division of the Supreme Court appoint a Special Commissioner of Jurors. The Commissioners of Jurors of these counties furnish him with the lists of jurors, and from these he makes out a list of Special Jurors to be drawn for the trial of intricate and important cases, when ordered by the Appellate Division of the Supreme Court. Such jurors must have been citizens ten years, must be not less than 30 or more than 70 years of age, and have other special qualifications that fit them for such work, good character, sound judgment, able to read and write the English language understandingly, well informed, and a knowledge of the duties of jurors.

### SECTION IV.

#### VILLAGES AND CITIES.

Men are social beings, and as such they tend to settle together in a limited portion of territory. Such gatherings need special privileges, regulations and laws for the convenience and safety of its inhabitants, such as the care, cleaning and lighting of the streets, providing for sidewalks and water supply, provision

against fire, for the protection of the public health, etc. These needs increase in proportion to the size of the place and the number of the inhabitants. They also need some authority to make and enforce such laws and regulations as are required; hence governments provide for such conditions by special or general laws under which such larger gatherings may incorporate. England had her boroughs, which were incorporated towns having special privileges; such as Municipal Boroughs, corporations (not a city) endowed by a royal charter; Parliamentary Borough, a town entitled to a member in Parliament. A rotten Borough was one that had so decreased in population as to lose the just right to representation in Parliament because it no longer had any real constituency.

A VILLAGE or an Incorporated Town in this country is a town or a part of a town with limited corporate powers exercised by a Board of Trustees. They are incorporated under a general law of the state by vote of the residents of the included territory, according to due form of law, and must contain at least 300 inhabitants. The law of 1897 says, "A territory not exceeding one square mile, or an entire town, containing in either case a population of not less 200, and not including a part of a city or village, may be incorporated as a village." These are divided into four classes.

The first must contain a population of 5,000 or more.

The second must contain a population of 3,000 and less than 5,000.

The third must contain a population of 1,000 and less than 3,000.

The fourth must contain a population of less than 1,000.

The officers of a village are a President, not less

than two Trustees, a Treasurer, a Clerk, a Street Commissioner, and such others as the Board of Trustees may deem best to appoint. The officers hold office one year, except the Trustees, who hold for two years and the Police Justices for four years. In villages of the first class there may be eight Trustees; in the second class six; in the third class four; and in the fourth class only two. The officers perform the usual duties of such officers. The Trustees and Clerk are the inspectors of elections unless the village is divided into election districts. Then they shall annually, at least 30 days before election, appoint two inspectors for each district. The annual election shall be held on the third Tuesday of March unless a town meeting is held on that day; in such case it shall be held on the next day. The President and the Trustees constitute the Board of Trustees, and their annual meeting shall be held at 7 P. M., on the Monday following the annual election. Other meetings are held at such times and places as they may determine. The duties of this Board are to look after and provide for the various interests of the corporation, as the law and their charter designates. There must be an enumeration of the inhabitants in 1898 and every four years thereafter.

**A CITY.** This is a place inhabited by a large, permanent, organized community. A municipality of the first class, governed by a Mayor and Aldermen, and created by a charter granted by the state Legislature, which defines its boundaries and states what officers it shall have, and their duties. Cities and villages are restricted by law in their powers of taxation, assessment and contraction of debts, or in loaning their credit.

**CITIES** are divided into three classes. The first class includes all those that have over 250,000 inhabi-

tants. The second class all having between 250,000 and 50,000. The third class all below 50,000. The Mayor and Aldermen constitute the Common Council. In cities of the first and second class the election of officers must be held on the odd numbered years, and their officers are elected for two years, except in the city of New York, where they hold office four years. The usual officers are the Mayor, Aldermen, elected in wards, Attorney or City Solicitor, Board of Education, Treasurer, Comptroller, Assessors, Collector, Board of Health, Police Commissioners, Superintendent of Schools, Superintendent of the Police, and many others which may be elected or appointed. The Mayor is the executive officer, assisted by many others, especially the police, in maintaining order and enforcing the laws. They have also a system of Police Courts and other inferior courts to decide the many local cases that arise. The appeals from their decisions may go to the state courts.

THE CITY OF NEW YORK, or as it is called, Greater New York, was incorporated May 4, 1897, and the new charter goes into operation Jan. 1, 1898. This charter provides for the consolidation of New York City, Brooklyn, and adjacent cities, villages and territory into one city, containing 3,100,000 inhabitants and an area of 359 square miles, making it the largest city in America and the next largest in the world. London has a population of 5,000,000 with an area of 688 square miles.

THE LEGISLATIVE power is vested in the Municipal Assembly of the City of New York. This consists of the Council and the Board of Aldermen. The Council consists of a President, who is chosen on a general ticket by the qualified voters of the whole city for four years, and 28 members chosen in 10



Council districts for the same length of time. The Mayor is ex-officio entitled to a seat in the Council, but cannot vote. The President of the Council takes the place of the Mayor when he is disqualified. The Aldermen are elected at the general election for two years in the Assembly districts embraced in the corporation except in certain specified cases. The Board of Aldermen chooses its President. The head of each Administrative Department may have a seat in this Board but is not entitled to vote. The Council appoints a Clerk for six years, who is the City Clerk. The Municipal Assembly has many powers in the appointing of officers and making rules and regulations for the government of so vast a corporation.

**THE EXECUTIVE.** This power is vested in the Mayor and the officers of his department. He is elected by the qualified electors for four years and has a salary of \$15,000. He appoints the heads of most departments, and Commissioners, also clerks and subordinates such as may be required in the discharge of his official duties. There is elected, as the head of the Department of Finance, a Comptroller for four years, who is charged with the general management and oversight of the fiscal affairs of the corporation.

**JUDICIARY.** The City Court of New York is continued with its original powers and jurisdiction, but for the whole city of New York a Municipal Court is established. For this purpose the city is divided into five boroughs, and these into districts in which these courts are held by Justices elected in the district, or in certain districts they are appointed by the Mayor. They have civil jurisdiction in specified cases. There is also a Court of Special Sessions for criminal cases, the magistrates being appointed by

the Mayor. None of these are Courts of Record, and appeals go to the State Supreme Courts.

One of the unsolved problems in municipal government is how to best govern such large gatherings of people. So many questions are constantly arising in these, such as how to control the corporations that have acquired franchises, the letting and looking after contracts on the public works in which greedy speculators aim to fill their own pockets, how to care for the criminal and needy classes which such cities always tend to increase, how to manage the educational interests so that all may receive its benefits, and especially how to prevent the control of political rings formed by leaders who seek only the spoils. These more easily obtain office because the honest voters are not as much interested as the politicians. The settlement of these and many other questions require constant exercise of care and study by the best men and eternal vigilance to settle and keep them settled right. The charter of Greater New York is an effort of the state of New York to aid its greatest city in the solution of this problem.

## CHAPTER VI.

### MISCELLANEOUS TOPICS.

#### SECTION I.

##### DEFINITION OF CONSTITUTIONAL AND LEGAL TERMS.

**BILL OF RIGHTS.** 1. All those portions of a constitution, state or national, designed to secure liberty to the individual. 2. An English statute enacted at the time of the accession of William and Mary to the throne, which secured to individuals certain rights. One of the objections to the Constitution of the United States was that it had no Bill of Rights,

and the first ten amendments were intended to supply this deficiency, in which there were literally inserted some sections from the English Bill of Rights. England gave us the Common Law, which was the result of the forms and proceedings which she established in securing her liberties, which was brought here and adopted by our forefathers; while Rome gave to Continental Europe the Roman, or Civil (citizen) Law, which furnished the foundations of their jurisprudence, and which was brought and used by the settlers of Louisiana. The Magna Charta, the Petition of Rights and the Bill of Rights were the landmarks of English liberty, or, as Lord Chatham called them, the "Bible of English Liberty." These were guides to the framers of our Constitution, as are the Civil and Common Laws guides to our Legislators and Judges in the making and interpreting of our laws. The first eight Sections of Article I. of the Constitution of New York may also be called the Bill of Rights of this state.

**HABEAS CORPUS.** "You may have the body." This is a writ issued by a court requiring a prisoner to be brought before a Judge that he may inquire into the legality of his retention in custody. If good reasons are given why he should be deprived of his liberty he is sent back to prison. If not, he is released.

**EX POST FACTO LAW.** This is a law which makes an act punishable as a crime which was not a crime when the act was performed; or an act that increases the penalty for a crime after it was committed.

The United States Constitution forbids the passing of an Ex post facto Law or a Bill of Attainder, or the requiring of excessive bail, or the suspending of the Writ of Habeas Corpus (except in case of rebellion

or invasion), by its own government and that of the states.

**BILL OF ATTAINDER.** This was an act of the Legislature of a government declaring a man guilty of a crime without a trial by due course of law, and sentencing him to death and forfeiting his property to the state.

**BAIL** is a guarantee or security given for the appearance of a person in court who is under arrest, or for debt.

**INDICTMENT.** This is a formal written charge of crime preferred to, and presented by, a Grand Jury, on oath, as a basis for the trial of the accused person.

**INJUNCTION.** A judicial order or process operating upon the person, requiring the party to whom it is directed to do, or usually not to do, some designated thing.

**MANDAMUS.** A writ issued by courts of superior jurisdiction, and directed to subordinate courts, corporations or official persons commanding them to do some particular thing specified that appertains to their official duty.

**LETTERS OF MARQUE AND REPRISAL.** This is a license granted by the government to private individuals empowering them to seize the property of a foreign nation or of its subjects as an indemnification for injuries received.

**A PENSION** is a yearly allowance to a person by the government for past services, or for being disabled in war. If a soldier is killed a pension is granted to his widow or children.

**A SUBPOENA** is a written demand of an officer for a person to appear in court.

**A WARRANT** is an order issued by an officer of a court for the arrest of a person, or a seizure of, or search for, property.

A SUMMONS is a mandate of a court issued by the direction of a Plaintiff to be served on the Defendant.

A PLAINTIFF is one who commences a civil action in court.

A DEFENDANT is one against whom the action is brought.

PLEADINGS are the written statements of the claims of the two parties in a suit preliminary to trial.

JURISDICTION, from the Latin *jus*, law, and *dictio*, a pronouncing or speaking. The jurisdiction of a court means the class of cases in which it has power to pronounce the law. Original Jurisdiction when the case may commence in that court, and Appellate Jurisdiction when it may hear cases on appeals from lower courts.

A COMMISSION is a body composed of several persons acting under lawful authority to perform some public service.

A COMMISSIONER is an officer appointed by the government (state or national) to serve as head of some executive department, as Commissioner of Education. The executive department of the District of Columbia is entrusted to three Commissioners appointed by the President and Senate of the United States. Two of these must be citizens of the District, and one must be an engineer of the army corps.

A REQUISITION is a request by the Governor of one state to that of another for the return of fugitives from justice.

ATTORNEY AND COUNSELOR AT LAW. This is a term given to a person who is entitled to practice law in the higher courts. Justices and Judges in these courts must be Attorneys and Counselors at Law. To be admitted to the bar as such, a person must be

21 years of age, a citizen of the United States, of good moral character, must have passed the required Regents' examinations, or possess their diploma, or be a graduate of an academy, or have had one year in college or university, must have served a clerkship of three years in the office of a practicing attorney in the Supreme Court, and passed a satisfactory examination made by the State Board of Law Examiners. Two years of the time of the clerkship may be spent in the Law Schools, and one year is deducted for college or university graduates. This makes a person competent to be licensed as Attorney and Counselor qualified to practice in all the courts of the state.

WILLS are written statements of persons in regard to the disposition of property after death. A person who dies without a will is said to die intestate.

#### ESSENTIALS FOR A WILL IN NEW YORK STATE.

1. The will must be in writing and subscribed to at the end by the testator.

2. Such subscription must be made by the testator in the presence of two or more attesting witnesses, or shall be acknowledged by him to have been so made to each of the attesting witnesses.

3. The testator at the time of making such subscription, or at the time of acknowledging the same, must declare the instrument so signed or subscribed to be his last will and testament.

4. There must be at least two attesting witnesses, each of which must sign his name as witness at the end of the will at the request of the testator.

5. Bequests to benevolent societies must have been made at least two months before the death of the testator.

6. A person can will only one-half of his estate

to benevolent purposes, if at the time he or she has a wife or husband, children, father or mother living.

A CODICIL is an addition to a will which must be signed and witnessed to the same as a will.

FORM—I give, bequeath and devise my estate as follows, that is to say, I make this my last will and testament, hereby revoking all former wills made by me. Here follow the bequests.

A COLLATERAL INHERITANCE TAX is a tax on the property of deceased persons above a certain amount, which must be paid before the distribution of the property is made to the heirs. This, in this state, for lineal descendants and certain others in close relation to the deceased, which the law recognizes, such as husband, wife, brother, sister, father, mother, husband or wife of children, adopted children, and others, is one per cent on estates of \$10,000 or more. Property heretofore or hereafter devised or bequeathed to any person who is a bishop, or to any religious corporation exempt from taxation, is not subject to the provisions of the law. In all other cases the transfer of real or personal property of the value of \$500 or over is subject to a tax of 5 per cent.

## SECTION II.

### CRIMES.

CRIMES are offenses against the public and the laws established for the security of life, liberty and property. These are usually punished to protect the community against their future commission, but every effort should be made to reform the criminal. The Elmira Reformatory was established to secure this in young criminals.

A MISDEMEANOR is an offense less than a felony,



which is punishable by fines or imprisonment in the county jail or both.

A **FELONY** is a name given to the highest class of crimes, such as treason, murder, rape, arson, kidnapping, robbery, etc., which are punishable with death or imprisonment in the State's Prison.

**MURDER** is the taking of life unlawfully or maliciously, with intent to kill.

**MANSLAUGHTER** is the killing of a person unintentionally, as upon a sudden quarrel, or while committing some unlawful or criminal act, without malice.

**ARSON** is maliciously burning any dwelling the property of another. The burning of an inhabited house in the night time is Arson in the first degree, and is punishable by death, the same as murder in the first degree, and the obstruction of a railroad which results in death.

**BURGLARY** is forcibly breaking into and entering in the night time the dwelling house of another with the intent to commit a crime.

**ROBBERY** is the taking of property from another by force, or through fear of injury. Piracy is robbery committed at sea.

**LARCENY** is theft, or the stealing of another's property. Grand Larceny is where a large amount, over \$25, is taken, and is a state's prison offense. Petit Larceny is where a smaller amount is taken, and is punished by fines or imprisonment in jail, or both.

**EMBEZZLEMENT** is fraudulently taking property for one's own use that has been entrusted to him by another. Defalcation is a form of embezzlement.

**BRIBERY** is the offering of a reward to influence the vote or judgment of another, and also the acceptance of the same.

**FORGERY** is the fraudulent making or altering of any writing with the intent to defraud.

**EXTORTION** is the unlawful taking, by an official, of money or other things of value that are not his due, under color of his office.

**COUNTERFEITING** is a word applied to the making and passing of false money.

**PERJURY** is willfully swearing or affirming falsely upon an oath legally administered.

**BIGAMY** is the crime of having two husbands or two wives at the same time.

**POLYGAMY** is the crime of having many wives.

**KIDNAPPING** is the forcible taking and removing of a person for evil purposes.

**SLANDER** is the malicious telling of a falsehood for the purpose of injuring some one.

**LIBEL** is the malicious printing or writing of a falsehood for the purpose of injuring some one.

**AN ACCESSORY TO A CRIME** is one who is in any way concerned in the commission of a crime. One who advises, procures or commands another to commit a crime is an accessory before the fact, and one who conceals a criminal knowing of his offense, or gives him aid to help him to escape punishment, is an accessory after the fact.

**USURY** is the taking of more than lawful interest.

There are many other crimes recognized by law and punished according to their character.

### SECTION III.

#### COMMERCIAL AND BUSINESS TERMS.

**A PATENT RIGHT** is a written instrument issued by the national government, securing to an inventor the exclusive right to his invention. This is granted, if the article is patentable, by the Commissioner of

Patents after examining the papers, drawings and models of the invention. A patent lasts 17 years and costs usually \$35. It is renewable for 14 years. The article must be marked Patented.

INFRINGEMENT of a patent is the making, using or selling the patented article without the owner's consent. The court awards damage and enjoins the infringer to stop.

A COPYRIGHT is a legal right which an author has to print, publish and sell his own literary productions.

HOW OBTAINED.—The author or publisher must file in the office of the Librarian of Congress, or deposit in the mails directed to him, a printed copy of the title of the book, or a description of the engraving, drawing or other articles before publication. Then on or before the day of publication he must send two copies of the book or other articles to the Librarian and pay one dollar. This is issued for 28 years. Copyright must be marked or printed on each article or book.

A TRADE MARK is a device adopted by manufacturers or dealers to mark the goods they make or sell to prevent others from doing the same. The words Trade Mark must be placed close to the device on the article. This certificate holds good for 28 years and costs \$25.

APPURTENANCES are those things which belong to real property, such as the houses, trees, fences, minerals, etc., to lands; and doors, windows, keys, etc., to houses, which pass to successive owners with the land.

TRESPASS is the entering upon another's premises without permission.

The owner of land bounded by a highway owns to the centre of the highway, and has the right to use

it in all ways that do not hinder the care and use of the same for the public. Rivers, not navigable, are owned the same, if they form boundary lines. Streams that flow through a farm can be used by the owner in all ways that will not injure its use by another adjoining owner.

THE RIGHT OF WAY is the right to pass over the land of another to reach the highway or for other purposes, but the land can only be used for the purpose granted or acquired. These rights are obtained by permission either expressed or implied by the owners of the land, or by 20 years' uninterrupted use. Once acquired they last forever unless surrendered. If roads are obstructed in any way, as by floods or snow, the public has the right of passage over adjoining lands until the obstruction is removed.

PARTY WALLS are built on the dividing line between estates. Each owns what is on his land, but neither can remove his without the consent of the other.

PARTNERSHIP is a contract between two or more persons to carry on some lawful business for mutual benefit. Death of any one of the partners dissolves the firm.

A CORPORATION is a combination of individuals acting as one person for the purposes of business or for government, according to a charter or constitution sanctioned by the laws of the state.

A TRUST is primarily something held by one person for the use or benefit of another. The person holding it is called a trustee. A Trust in business is (1) A combination of corporations for the control of a business so as to determine the quantity and price of the article produced. They are managed by trustees or directors. (2) A combination of interests for the purpose of regulating and controlling by means

of a common authority, the use, supply or disposition of some kind of property.

**SOLVENT OR SOLVENCY** is where a person is able to pay all debts that he owes.

**INSOLVENT** is where a person is not able to meet his obligations or debts. An insolvent person is said to be bankrupt. A bankrupt law is one that provides (1) For a person to distribute his property among his creditors. (2) For his release from his debts, so that he may have opportunity and incentive to again devote himself to business. A bankrupt law should be passed by the general government so that it will be uniform in all the states. An Assignment is where a debtor assigns or transfers his property to an assignee or trustee to distribute among his creditors. If all the creditors agree to release the debtor upon the distribution of property among them it has the same effect as taking the benefit of the bankrupt act.

A **CONTRACT** is a mutual agreement between two or more persons, recognized by law as constituting an obligation to do or not to do a particular thing. They are not binding where force or fraud were used, or when made by a lunatic or idiot, or by a minor, except for food, clothing, lodging or education, unless he recognizes it after he is of age. It is not binding if impossible of fulfilment, or is illegal or made on Sunday. Every contract must be based on some consideration and should be made in writing if for purchase or lease of land or if it is to run more than one year. There is a limit of time during which a contract may be enforced, usually six years for debts and twenty years in case of land, after which they are outlawed.

A **LEASE** is a contract for the possession and

profit of land and tenements for a determinate period for a consideration.

A LIEN is a legal claim on property as security for debt or charge.

A DEED is a written instrument by which land is transferred from one person to another.

A MORTGAGE is a written instrument securing the payment of a debt. Deeds and mortgages must be signed by the husband and wife (if married) and acknowledged before a legal officer, and should be recorded, for security, in the County Clerk's office. If the wife does not sign it she can claim her right of dower in case of the death of the husband.

A COVENANT is a written contract under a seal.

ALLODIAL TENURE OF LAND is the absolute ownership of land, free from rent or service, as opposed to Feudal Tenure, where it is held subject to a fee or service, as in England in Feudal times, or as held by the Patroons of this state.

ESCHEAT is the reversion of land to the state in default of heirs or by reason of forfeiture.

EMBARGO is the detention of vessels for a time in the port of a country by its government.

BLOCKADE is the closing of the ports of the country of an enemy to prevent vessels from going in or passing out.

A PAPER BLOCKADE is one not enforced by sufficient vessels.

SALVAGE is the compensation given to persons for saving property that has been abandoned at sea. This is large because of the great risk.

A TREATY is a formal agreement between two or more countries in regard to some question. It is made under the direction of the President and must be ratified by the Senate.

AN EXTRADITION TREATY is one providing for

the delivery of fugitives from justice by one nation to another.

A RECIPROCITY TREATY is one giving equality between the citizens of two countries with respect to commercial privileges to the extent provided by the treaty.

ARBITRATION is an agreement between two persons or countries to settle disputes by leaving them to the decision of others.

A TAX is a contribution imposed by the government on individuals for the service of the state.

A DUTY is a tax on imported articles. Duties are of two kinds: 1. Ad valorem duties are proportioned to the cost of the articles in the country from which it came, as invoiced. 2. Specific duties are proportioned to the quantity of the articles imported.

EXCISE is a tax upon articles manufactured or produced for home consumption, as a tax on liquors, etc., collected by Revenue officers. Congress prescribes the duties, and the schedule of the dutiable articles, and the rate is the TARIFF. Duties are collected by the Custom House officers at the ports of entry.

The motto of this state is *Excelsior*; its title is The Empire State; the state color, Purple; the state tree, the Maple; the state flower, the Rose.



## TERMS OF OFFICE AND SALARIES OF STATE OFFICERS.

	TERMS. YRS.	SALAR- IES.		TERMS. YRS.	SALAR- IES.
Governor,	2	\$10,000	3 State Commissioners		7,000
Lieutenant Governor,	2	5,000	of Lunacy,	6	5,000
Secretary of State,	2	5,000			3,500
Comptroller,	2	6,000	Chief Justice Court Ap.	14	10,500
Treasurer,	2	5,000	6 Justices	" 14	10,000
Attorney General,	2	5,000	76 Justices Supreme Ct.	14	7,200
State Engineer and			Com. of New Capitol,		7,500
Surveyor,	2	5,000	Supt. of Buildings,	2	3,500
Supt. of Banking,	3	5,000	State Entomologist,		2,000
" Insurance,	3	7,000	Inspector of Gas Meters,	5	5,000
" Prisons,	5	6,000	State Geologist and		
" Public Works,		6,000	Paleontologist,		3,600
3 State Assessors,	3	2,500	Commissioner of Agric.	3	4,000
3 Court of Claims,	6	5,000	Mining Inspector,		3,000
Supt. of Public Instruc.	3	5,000	State Botanist,		2,000
Deputy Supt. Public			Factory Inspector,	3	3,000
Instruction,		4,000	Bureau of Labor Statis.	3	3,000
State Dairy Com'is'er,	2	3,000	3 State Tax Inspectors,	3	2,500
3 Railroad "	5	8,000	5 Fisheries, Game and		
Labor Commissioner,	3	3,000	Forest Com.	5 3,000	2,500
3 Civil Service "		2,000	Com. of Excise,	5	5,000
3 Quarantine "	3	2,500	Secretary of Regents,		5,000
3 State Board Arbitrat-			Health Officer of N. Y.	4	12,500
ors and Mediators,	3	3,000	3 Commissioners of		
50 State Senators,	2	1,500	Quarantine,	3	2,500
150 State Assemblymen,	1	1,500	Clerk of the Court of		
			Appeals,		5,000

# THE DECLARATION OF INDEPENDENCE.

A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to affect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operations till his assent should be obtained ; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature ; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise ; the State remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States ; for that purpose, obstructing the laws for the naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislature.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws ; giving his assent to their acts of pretended legislation :—

For quartering large bodies of armed troops among us ;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States ;

For cutting off our trade with all parts of the world ;

For imposing taxes on us without our consent ;

For depriving us, in many cases, of the benefits of trial by jury ;

For transporting us beyond seas to be tried for pretended offences ;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies ;

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments ;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrection amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions, we have petitioned for redress, in the most humble terms ; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren.

We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity ; and we have conjured them, by the ties of our

common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must therefore acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, *free and independent States*; that they are absolved from all allegiance to the British crown; and that all political connection between them and the state of Great Britain is and ought to be totally dissolved; and that, as FREE AND INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And for the support of this declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.

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## CONSTITUTION OF THE UNITED STATES.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION FOR THE UNITED STATES OF AMERICA.

### ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate, and House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand; but each State shall have at least one representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two senators of each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may

make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The vice-president of the United States shall be president of the Senate, but shall have no vote unless they be equally divided.

The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

The Senate shall have the sole power to try all impeachments; when sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

SEC. 4. The times, places, and manners of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each house shall be the judge of the election returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members



of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

Every bill which shall have passed the House of Representatives and the senate, shall before it become a law, be presented to the president of the United States; if he approve, he shall sign it; but, if not, he shall return it, with his objections, to that house in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds in that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the president of

the United States, and, before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States; to borrow money on the credit of the United States; to regulate commerce with foreign nations and among the several States, and with the Indian tribes; to establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States; to coin money, regulate value thereof and of foreign coin, and fix the standard of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish post offices and post roads; to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries; to constitute tribunals inferior to the supreme court; to define and punish piracies and felonies committed on the high seas, and offences against the law of nations; to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support armies; but no appropriation of money to that use shall be for a longer term than two years; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States; reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress; to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all

other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder, or *ex post facto* law, shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census, or enumeration, herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility. No State shall, without the consent of the Congress, lay any imposts, or duties, on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace,

enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years; and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same State with themselves; and they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates; and the votes shall then be counted. The person having the greatest number of votes shall be president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and, if no person have a majority, then, from the five highest on the list, the said house shall, in like manner, choose the president; but, in choosing the president, the votes shall be taken by states, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States; and a majority of all the States shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But, if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice-president. [See Amendments, Article XII.]

The Congress may determine the time of choosing the elect-

ors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of president ; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president ; and the Congress may by law provide for the case of removal, death, resignation, or inability both of the president and vice-president, declaring what officer shall then act as president ; and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected : and he shall not receive, within that period, any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation :—

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. 2. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices ; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur ; and he shall nominate, and, by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by

law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State, and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens, or subjects. [See Amendments, Article XI.]

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the supreme



court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but, when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood; or forfeiture, except during the life of the person attainted.

#### ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State; and the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.



The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government; and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

#### ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments; which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the senate.

#### ARTICLE VI.

All debts contracted, and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

The ratifications of the conventions of nine States shall be sufficient for the establishment of this Constitution, between the States so ratifying the same.

**AMENDMENTS.**

## ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

## ARTICLE II.

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

## ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

## ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined, in any court of the United States, than according to the rules of the common law.

## ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX.

The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it, to the States, are reserved to the States respectively, or to the people.

## ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

## ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as president, and in dis-

tinct ballots the person voted for as vice-president ; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each ; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates ; and the votes shall then be counted ; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed ; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president ; but, in choosing the president, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice ; and if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice-president shall be the vice-president, if such number be a majority of the whole number of electors appointed : and, if no person have a majority, then, from the two highest numbers on the list, the senate shall choose the vice-president ; a quorum for the purpose shall consist of two-thirds of the whole number of senators ; and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

### ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

### ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United

States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, in such State.

SEC. 3. No person shall be a senator or representative in Congress, or elector of president and vice-president, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

## ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

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## CONSTITUTION OF NEW YORK STATE.

*Adopted Nov. 6, 1894 and in force Jan. 1, 1897.*

We, the People of the State of New York, grateful to Almighty God for our Freedom, in order to secure its blessings, do establish this Constitution.

### ARTICLE I. -INDIVIDUAL RIGHTS.

1. DISFRANCHISEMENT.--No member of this State shall be disfranchised, or deprived of any of the rights, privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

2. TRIAL BY JURY.—The trial by jury in all cases in which it has been heretofore used, shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

3. RELIGIOUS LIBERTY.—The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

4. HABEAS CORPUS.—The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

5. **BAIL, FINES.**—Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

6. **GRAND JURY.**—No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service; and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace; and in cases of petit larceny, under the regulation of the Legislature), unless on presentment or indictment of a grand jury; and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions, No person shall be subject to be twice put in jeopardy for the same offence; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use, without just compensation.

7. **PRIVATE PROPERTY AND PRIVATE ROADS.**—When private property shall be taken for any public use the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road, and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

8. **FREE SPEECH AND PRESS.**—Every citizen may freely speak, write and publish his sentiment on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

9. **PETITIONS, DIVORCES, LOTTERIES.**—No law shall be



passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof, nor shall any divorce be granted, otherwise than by due judicial proceedings; nor shall any lottery, or the sale of any lottery tickets, poolselling, bookmaking, or any other kind of gambling hereafter be authorized or allowed within this State; and the Legislature shall pass appropriate laws to prevent offences against any of the provisions of this section.

10. **PROPERTY IN LANDS.**—The people of this State, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the State; and all lands the title to which shall fail, from a defect of heirs, shall revert or escheat to the people.

11. **FEUDAL TENURES.**—All feudal tenures of every description, with all their incidents, are declared to be abolished, saving however all rents and services certain which at any time heretofore have been lawfully created or reserved.

12. **ALLODIAL TENURE.**—All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

13. **LIMIT OF LEASES.**—No lease or grant of agricultural land, for a longer period than twelve years, hereafter made in which shall be reserved any rent or service of any kind, shall be valid.

14. **FINES, QUARTER SALES.**—All fines, quarter sales, or other like restraints upon alienation reserved in any grant of land, hereafter to be made, shall be void.

15. **INDIAN LANDS.** No purchase or contract for the sale of lands in this State made since the fourteenth day of October, one thousand seven hundred and seventy-five, or which may hereafter be made of, or with the Indians, shall be valid, unless made under the authority, and with the consent of the Legislature.

16. **CODIFICATION OF LAWS.**—Such parts of the common law, and of the acts of the Legislature of the Colony of New York, as together did form the law of the said colony, on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the Congress of the said Colony, and of the convention of the State of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature

shall make concerning the same. But all such parts of the common law and such of the said acts, or parts thereof, as are repugnant to this Constitution, are hereby abrogated.

17. GRANTS OF LAND.—All grants of land within the State, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this Constitution shall effect any grants of land within this State, made by the authority of the said king, or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall effect any such grants or charters since made by this State, or by persons acting under its authority; or shall impair the obligation of any debts contracted by the State, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice

18. DAMAGES.—The right of action now existing to recover damages for injuries resulting in death, shall never be abrogated; and the amount recoverable shall not be subject to any statutory limitation.

## ARTICLE II.—VOTERS.

1. QUALIFICATIONS.—Every male citizen of the age of twenty-one years who shall have been a citizen for ninety days and an inhabitant of this State one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

2. BRIBERY.—No person who shall receive, accept or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other

valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election, and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The Legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

3. RESIDENCE.—For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison.

4. ENACTMENTS.—Laws shall be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters, which registration shall be completed at least ten days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding state enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

5. ELECTION BY BALLOT.—All election by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved.

6. **BOARDS OF REGISTRY.**—All laws creating, regulating or affecting boards or officers charged with the duty of registering voters, or of distributing ballots at the polls to voters, or of receiving, recording or counting votes at elections, shall secure equal representation of the two political parties which, at the general election next preceding that for which such boards or officers are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representatives of said parties respectively, as the Legislature may direct. Existing laws on this subject shall continue until the Legislature shall otherwise provide. This section shall not apply to town meetings or to village elections.

### ARTICLE III.—THE LEGISLATURE.

1. **TWO HOUSES.**—The legislative power of this State shall be vested in a Senate and Assembly.

2. **HOW CONSTITUTED.**—The Senate shall consist of fifty members, except as hereinafter provided. The Senators elected in the year 1895 shall hold their offices for three years, and their successors shall be chosen for two years. The Assembly shall consist of one hundred and fifty members who shall be chosen for one year.

3. **SENATE DISTRICTS.**—The State shall be divided into fifty districts, to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from one to fifty inclusive.

4. **HOW CHANGED.**—An enumeration of the inhabitants of the State shall be taken under the direction of the Secretary of State, during the months of May and June, in the year 1905, and in the same months every tenth year thereafter; and the said districts shall be so altered by the Legislature at the first regular session after the return of every enumeration, that each Senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory, and no county shall be divided in the formation of a Senate district except to make two or more Senate districts wholly in such county. No town, and no block in a city enclosed by streets or public ways, shall be divided in the formation of Senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein,

adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.

No county shall have four or more Senators unless it shall have a full ratio for each Senator. No county shall have more than one-third of all the Senators; and no two counts or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the Senators.

The ratio for apportioning Senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the Senate shall always be composed of fifty members, except that if any county having three or more Senators at the time of any apportionment shall be entitled on such ratio to an additional Senator or Senators, such additional Senator or Senators shall be given to such county in addition to the fifty Senators, and the whole number of Senators shall be increased to that extent.

5. ASSEMBLY DISTRICTS.—The members of the Assembly shall be chosen by single districts, and shall be apportioned by the Legislature at the first regular session after the return of every enumeration among the several counties of the State, as nearly as may be according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one Member of Assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio; entitle it to a member. But the Legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties.

The quotient obtained by dividing the whole number of inhabitants of the State, excluding aliens, by the number of Members of Assembly, shall be the ratio for apportionment, which shall be made as follows: One Member of Assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining Members of Assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned

to the counties having the highest remainders in the order thereof respectively. No county shall have more Members of Assembly than a county having a greater number of inhabitants, excluding aliens.

In any county entitled to more than one member, the board of supervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council, shall assemble on the second Tuesday of June, 1895, and at such times as the Legislature making an apportionment shall prescribe, and divide such counties into Assembly districts as nearly equal in number of inhabitants; excluding aliens, as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a Senate district formed under the same apportionment, equal to the number of Members of Assembly to which such county shall be entitled, and shall cause to be filed in the office of the Secretary of State and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, excluding aliens, according to the last preceding enumeration; and such apportionment and districts shall remain unaltered until another enumeration shall be made, as herein provided; but said division of the city of Brooklyn and the county of Kings to be made on the second Tuesday of June, 1895, shall be made by the common council of such city and the board of supervisors of said county, assembled in joint session. In counties having more than one Senate district, the same number of Assembly districts shall be put in each Senate district, unless the Assembly districts cannot be evenly divided among the Senate districts of any county, in which case one more Assembly district shall be put in the Senate district in such county having the largest, or one less Assembly district shall be put in the Senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. No town, and no block in a city enclosed by streets or public ways, shall be divided in the formation of Assembly districts, nor shall any district contain a greater excess in population over an adjoining district in the same Senate district, than the population of a town or block therein adjoining such Assembly district. Towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens; but in the division of cities under the first apportionment, regard shall be had to the number of in-



habitants, excluding aliens, of the election districts according to the state enumeration of 1892, so far as may be, instead of blocks. Nothing in this section shall prevent the division, at any time, of counties and towns, and the erection of new towns by the Legislature.

An apportionment by the Legislature, or other body, shall be subject to review by the Supreme Court, at the suit of any citizen, under such reasonable regulations as the Legislature may prescribe; and any court before which a cause may be pending involving an apportionment shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same.

6. SALARY OF MEMBERS.—Each member of the Legislature shall receive for his services an annual salary of one thousand and five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the Trial of Impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

7. PROHIBITIONS.—No member of the Legislature shall receive any civil appointment within this State, or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

8. DISQUALIFICATIONS.—No person shall be eligible to the Legislature who, at the time of his election, is, or within one hundred days previous thereto has been, a member of Congress, a civil or military officer under the United States, or an officer under any city government; and if any person shall, after his election as a member of the Legislature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

9. TIME OF ELECTION.—The elections of Senators and Members of Assembly, pursuant to the provisions of this Constitu-



tion, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the Legislature.

10. **POWERS OF EACH HOUSE.**—A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns and qualifications of its own members; shall choose its own officers; and the Senate shall choose a temporary president to preside in case of the absence or impeachment of the Lieutenant-Governor, or when he shall refuse to act as president, or shall act as Governor.

11. **JOURNALS.**—Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

12. **PRIVILEGE.**—For any speech or debate in either house of the Legislature, the members shall not be questioned in any other place.

13. **BILLS.**—Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended by the other.

14. **ENACTING CLAUSE.**—The enacting clause of all bills shall be "The people of the State of New York, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

15. **MAJORITY.**—No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members in its final form, at least three calendar legislative days prior to its final passage, unless the Governor, or the acting Governor, shall have certified to the necessity of its immediate passage, under his hand and the seal of the State; nor shall any bill be passed or become a law, except by the assent of a majority of the members elected to each branch of the Legislature; and upon the last reading of a bill, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the yeas and nays entered on the journal.

16. **PRIVATE BILLS.**—No private or local bill, which may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the title.

17. **RESTRICTIONS.**—No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing

law, or part thereof, shall be applicable, except by inserting it in such act.

18. PRIVATE AND LOCAL BILLS.—The Legislature shall not pass a private or local bill in any of the following cases :

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impanelling grand or petit jurors.

Regulating the rate of interest on money.

The opening and conducting of elections or designating places of voting.

Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming a part of the boundaries of the State.

The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the appellate division of the Supreme Court, in the department in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, con-

firmed by the court, may be taken in lieu of the consent of the property owners.

19. PRIVATE CLAIMS.—The Legislature shall neither audit nor allow any private claim or account against the State, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

20. APPROPRIATION BILLS.—The assent of two-thirds of the members elected to each branch of the Legislature, shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

21. APPROPRIATION BILLS.—No money shall ever be paid out of the treasury of this State, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

22. APPROPRIATION BILLS.—No provision or enactment shall be embraced in the annual appropriation or supply bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

23. LIMITATIONS.—Sections seventeen and eighteen of this article shall not apply to any bill, or the amendments to any bill, which shall be reported to the Legislature by commissioners who have been appointed pursuant to law to revise the statutes.

24. TAX BILLS.—Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

25. On the final passage, in either house of the Legislature, of any act which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the journals, and three-fifths of all the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

26. SUPERVISORS.—There shall be in the several counties, except in cities whose boundaries are the same as those of the

county, a board of supervisors, to be composed of such members, and elected in such manner, and for such period, as is or may be provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the common council or board of aldermen thereof.

27. LOCAL LEGISLATION.—The Legislature shall, by general laws, confer upon the boards of supervisors of the several counties of the State, such further powers of local legislation and administration as the Legislature may from time to time deem expedient.

28. COMPENSATION.—The Legislature shall not, nor shall the common council of any city nor any board of supervisors, grant any extra compensation to any public officer, servant, agent or contractor.

29. CONTRACT LABOR ABOLISHED.—The Legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several state prisons, penitentiaries, jails and reformatories in the State; and on and after the first day of January, in the year 1897, no person in any such prison, penitentiary, jail or reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry, or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation. This section shall not be construed to prevent the Legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof.

#### ARTICLE IV.—EXECUTIVE DEPARTMENT.

1. EXECUTIVE POWER.—The executive power shall be vested in a Governor, who shall hold his office for two years; a Lieutenant-Governor shall be chosen at the same time, and for the same term. The Governor and Lieutenant-Governor elected next preceding the time when this section shall take effect shall hold office until and including the thirty-first day of December, 1896, and their successors shall be chosen at the general election in that year.

2. ELIGIBILITY.—No person shall be eligible to the office of Governor or Lieutenant-Governor, except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years, next preceding his election, a resident of this State.

3. ELECTION.—The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor, shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant-Governor, the two houses of the Legislature, at its next annual session, shall, forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor.

4. DUTIES OF GOVERNOR.—The Governor shall be Commander-in-Chief of the military and naval forces of the State. He shall have power to convene the Legislature (or the Senate only) on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the Governor may recommend for consideration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

5. PARDONS.—The Governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted; stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

6. POWER MAY DEVOLVE ON LIEUTENANT-GOVERNOR.—In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the

said office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the State.

7. DUTIES OF LIEUTENANT-GOVERNOR.—The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be president of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the president of the Senate shall act as Governor until the vacancy be filled, or the disability shall cease; and if the President of the Senate for any of the above causes shall become incapable of performing the duties to the office of the Governor, the Speaker of the Assembly shall act as Governor until the vacancy be filled or the disability shall cease.

8. SALARY.—The Lieutenant-Governor shall receive for his services an annual salary of five thousand dollars, and shall not receive or be entitled to any other compensation, fee or perquisite for any duty or service he may be required to perform by the Constitution or by law.

9. THE VETO.—Every bill which shall have passed the Senate and Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor. In all such cases the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment,



prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty day after such adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the Legislature be in session he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bill not approved by the Governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

#### ARTICLE V.—OTHER STATE OFFICERS.

1. **PRINCIPAL STATE OFFICERS.**—The Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be chosen at a general election, at the times and places of electing a Governor and Lieutenant-Governor, and shall hold their offices for two years, except as provided in section two of this article. Each of the officers in this article named, excepting the Speaker of the Assembly, shall, at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be elected to the office of State Engineer and Surveyor who is not a practical civil engineer.

2. **WHEN ELECTED.**—The first election of the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor, pursuant to this article, shall be held in the year 1895, and their terms of office shall begin on the first day of January following, and shall be for three years. At the general election in the year 1898, and every two years thereafter, their successors shall be chosen for the term of two years.

3 **SUPERINTENDENT OF PUBLIC WORKS.**—A Superinten-



dent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State, a statement of the cause of such removal, and shall report such removal, and the cause thereof, to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works, whenever, in his judgement, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals; except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him. The Superintendent of Public Works shall perform all the duties of the Canal Commissioners, and board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature. The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions, which shall expire at the end of the next succeeding session of the Senate.

4. SUPERINTENDENT OF STATE PRISONS.—A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent and advice of the Senate, and hold his office for five years unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of State Prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which were formerly had and performed by the Inspectors of State Prisons. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defence.

5. COMMISSIONERS OF THE LAND OFFICE.—The Lieutenant-Governor, Speaker of the Assembly, Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor, shall be the Commissioners of the Land Office. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer and Attorney-General shall be the Commissioners of the Canal Fund. The Canal Board shall consist of the Commissioners of the Canal Fund, the State Engineer and Surveyor, and the Superintendent of Public Works.

6. POWERS AND DUTIES.—The powers and duties of the respective Boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.

7. TREASURER MAY BE SUSPENDED.—The Treasurer may be suspended from office by the Governor, during the recess of the Legislature; and until thirty days after the commencement of the next session of the Legislature, whenever it shall appear to him that such Treasurer has, in any particular, violated his duty. The Governor shall appoint a competent person to discharge the duties of the office during such suspension of the Treasurer.

8. CERTAIN OFFICES ABOLISHED.—All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, are hereby abolished, and no such office shall hereafter be created by law; but

nothing in this section contained shall abrogate any office created for the purpose of protecting the public health or the interests of the State in its property, revenue, tolls, or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

9. CIVIL SERVICE.—Appointments and promotions in the civil service of the State, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this State, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

#### ARTICLE VI.—JUDICIARY.

1. THE SUPREME COURT.—The Supreme Court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the State are continued until changed as hereinafter provided. The Supreme Court shall consist of the justices now in office, and of the judges transferred thereto by the fifth section of this article, all of whom shall continue to be Justices of the Supreme Court during their respective terms, and of twelve additional justices who shall reside in, and be chosen by the electors of, the several existing judicial districts, three in the first district, three in the second, and one in each of the other districts; and of their successors. The successors of said justices shall be chosen by the electors of their respective judicial districts. The Legislature may alter the judicial districts once after every enumeration, under the Constitution, of the inhabitants of the State, and thereupon reapportion the justices to be thereafter elected in the districts so altered.

2. APPELLATE DIVISION.—The Legislature shall divide the State into four judicial departments. The first department shall consist of the County of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the Legislature may alter the judicial departments, but without increasing the number thereof.

There shall be an Appellate Division of the Supreme Court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case.

From all the justices elected to the Supreme Court the Governor shall designate those who shall constitute the Appellate Division in each department; and he shall designate the Presiding Justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years, or the unexpired portions of their respective terms of offices, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. He may also make temporary designations, in case of the absence or inability to act, of any justice in the Appellate Division. A majority of the justices designated to sit in the Appellate Division in each department shall be residents of the department. Whenever the Appellate Division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments, at a meeting called by the presiding justice of the department in arrears, may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the Appellate Division shall exercise any of the powers of a justice of the Supreme Court, other than those of a justice out of court, and those pertaining to the Appellate Division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, 1895, the Appellate Division shall have the jurisdiction now exercised by the Supreme Court at its General Terms, and by the General Terms of the Court of Common Pleas for the City and County of New York, the Superior Court of the City of New York, the Superior Court of Buffalo and the City Court of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter.

The justices of the Appellate Division in each department shall have power to fix the times and places for holding Special and Trial Terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

3. APPELLATE DIVISION.—No judge or justice shall sit in the Appellate Division or in the Court of Appeals in review of a decis-

ion made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.

4. VACANCIES.—The official terms of the justices of the Supreme Court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of Justice of the Supreme Court, the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session, the Governor may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

5. COURTS ABOLISHED.—The Superior Court of the City of New York, the Court of Common Pleas for the City and County of New York, the Superior Court of Buffalo, and the City Court of Brooklyn, are abolished from and after the first day of January, 1896, and thereupon the seals, records, papers and documents of or belonging to such courts, shall be deposited in the offices of the clerks of the several counties in which said courts now exist; and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. The judges of said courts in office on the first day of January, 1896, shall, for the remainder of the terms for which they were elected or appointed, be Justices of the Supreme Court; but they shall sit only in the counties in which they were elected or appointed. Their salaries shall be paid by the said counties respectively, and shall be the same as the salaries of the other Justices of the Supreme Court residing in the same counties. Their successors shall be elected as Justices of the Supreme Court by the electors of the judicial districts in which they respectively reside.

The jurisdiction now exercised by the several courts hereby abolished shall be vested in the Supreme Court. Appeals from inferior and local courts now heard in the Court of Common Pleas for the City and County of New York and the Superior Court of Buffalo, shall be heard in the Supreme Court in such manner and by such justice or justices as the Appellate Division in the respec-

tive departments which include New York and Buffalo shall direct, unless otherwise provided by the Legislature.

6. **COURTS ABOLISHED.**—Circuit Courts and Courts of Oyer and Terminer are abolished from and after the last day of December, 1895. All their jurisdiction shall thereupon be vested in the Supreme Court, and all actions and proceeding then pending in such courts shall be transferred to the Supreme Court for hearing and determination. Any Justice of the Supreme Court, except as otherwise provided in this article, may hold court in any county.

7. **COURT OF APPEALS.**—The Court of Appeals is continued. It shall consist of the Chief Judge and Associate Judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the State. The official terms of the Chief Judge and Associate Judges shall be fourteen years from and including the first day of January next after their election. Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and to remove its reporter, clerk and attendants.

8. **VACANCIES FILLED.**—When a vacancy shall occur, otherwise than by expiration of term, in the office of Chief or Associate Judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or if not, the Governor may fill such vacancy by appointment. If any such appointment of Chief Judge shall be made from among the Associate Judges, a temporary appointment of Associate Judge shall be made in like manner; but in such case, the person appointed Chief Judge shall not be deemed to vacate his office of Associate Judge any longer than until the expiration of his appointment as Chief Judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of Judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

9. **COURT OF APPEALS.**—After the last day of December 1895, the jurisdiction of the Court of Appeals, except where the judgment is of death, shall be limited to the review of questions of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting or tending to sustain



a finding of fact or a verdict not directed by the court, shall be reviewed by the Court of Appeals. Except where the judgment is of death, appeals may be taken as of right to said court only from judgment or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them. The Appellate Division in any department may, however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the Court of Appeals.

10. PROHIBITIONS.—The Judges of the Court of Appeals, and the Justices of the Supreme Court, shall not hold any other office or public trust. All votes for any of them for any other than a judicial office, given by the Legislature or the people, shall be void.

11. REMOVAL.—Judges of the Court of Appeals and Justices of the Supreme Court may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein. All other judicial officers, except Justices of the Peace and judges or justices of inferior courts not of record, may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the journals, nor unless he shall have been served with a statement of the cause alleged, and shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the journal.

12. COMPENSATION OF JUDGES.—The judges and justices hereinbefore mentioned shall receive for their services a compensation established by law, which shall not be increased or diminished during their official terms, except as provided in section five of this article. No person shall hold the office of Judge or Justice of any court longer than until and including the last day of December next after he shall be seventy years of age. No judge or justice elected after the first day of January, 1894, shall be entitled to receive any compensation after the last day of December next after he shall be seventy years of age; but the compensation of every Judge of the Court of Appeals or Justice of the Supreme Court elected prior to the first day of January, 1894, whose term of office has been, or whose present term of office shall be, so abridged,



and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected; but any such judge or justice may, with his consent, be assigned by the Governor, from time to time, to any duty in the Supreme Court while his compensation is so continued.

13. IMPEACHMENT.—The Assembly shall have the power of impeachment by a vote of a majority of all the members elected. The court for the trial of impeachments shall be composed of the President of the Senate, the Senators, or a major part of them, and the Judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor, the Lieutenant Governor shall not act as a member of the court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the Senate, until he shall have been acquitted. Before the trial of an impeachment the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment, according to the evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party impeached shall be liable to indictment and punishment according to law.

14. COUNTY COURTS.—The existing County Courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the County of Kings there shall be two County Judges and the additional County Judge shall be chosen at the next general election held after the adoption of this article. The successors of the several County Judges shall be chosen by the electors of the counties for the term of six years. County Courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The Legislature may hereafter enlarge or restrict the jurisdiction of the County Courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant.

Courts of Sessions, except in the County of New York, are

abolished from and after the last day of December, 1895. All the jurisdiction of the Court of Sessions in each county, except the County of New York, shall thereupon be vested in the County Court thereof, and all actions and proceedings then pending in such Courts of Sessions shall be transferred to said County Courts for hearing and determination. Every County Judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A County Judge of any county may hold County Courts in any other county when requested by the judge of such other county.

15. **SURROGATES' COURTS.**—The existing Surrogates' Courts are continued, and the Surrogates now in office shall hold their offices until the expiration of their terms. Their successors shall be chosen by the electors of their respective counties, and their terms of office shall be six years, except in the County of New York, where they shall continue to be fourteen years. Surrogates and Surrogates' Courts shall have the jurisdiction and powers which the Surrogates and existing Surrogates' Courts now possess, until otherwise provided by the Legislature. The County Judge shall be Surrogate of his county, except where a separate Surrogate has been or shall be elected. In counties having a population exceeding forty thousand, wherein there is no separate Surrogate, the Legislature may provide for the election of a separate officer to be Surrogate, whose term of office shall be six years. When the Surrogate shall be elected as a separate officer, his salary shall be established by law, payable out of the county treasury. No County Judge or Surrogate shall hold office longer than until and including the last day of December next after he shall be seventy years of age. Vacancies occurring in the office of County Judge or Surrogate shall be filled in the same manner as like vacancies occurring in the Supreme Court. The compensation of any County Judge or Surrogate shall not be increased or diminished during his term of office. For the relief of Surrogates' Courts the Legislature may confer upon the Supreme Court in any county having a population exceeding four hundred thousand, the powers and jurisdiction of Surrogates, with authority to try issues of fact by jury in probate cases.

16. **LOCAL JUDGES.**—The Legislature may, on application of the Board of Supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of County Judge and of Surrogate, in cases of their inability, or of a vacancy, and in such other cases as may be provided by law, and to exercise

such other powers in special cases as are or may be provided by law.

17. JUSTICES OF THE PEACE.—The electors of the several towns shall, at their annual town meetings, or at such other times and in such manner as the Legislature may direct, elect Justices of the Peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the Peace, and judges or justices of inferior courts not of record and their clerks may be removed for cause, after due notice and an opportunity of being heard by such courts as are or may be prescribed by law. Justices of the Peace and District Court justices may be elected in the different cities of this State, in such manner, and with such powers, and for such terms, respectively, as are or shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of such cities, or appointed by some local authorities thereof.

18. LOCAL COURTS.—Inferior local courts of civil and criminal jurisdiction may be established by the Legislature, but no inferior local court hereafter created shall be a Court of Record. The Legislature shall not hereafter confer upon any inferior or local court of its creation, any equity jurisdiction or any greater jurisdiction in other respects than is conferred upon County Courts, by or under this article. Except as herein otherwise provided, all judicial officers shall be elected or appointed at such times and in such manner as the Legislature may direct.

19. CLERKS OF COURTS.—Clerks of the several counties shall be Clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. The justices of the Appellate Division in each department shall have power to appoint and to remove a clerk who shall keep his office at a place to be designated by said justices. The Clerk of the Court of Appeals shall keep his office at the seat of government. The Clerk of the Court of Appeals and the Clerks of the Appellate Division shall receive compensation to be established by law and paid out of the public treasury.

20. FEES AND QUALIFICATIONS.—No judicial officer, except Justices of the Peace, shall receive to his own use any fees or perquisites of office; nor shall any Judge of the Court of Appeals, or Justice of the Supreme Court, or any County Judge or Surrogate hereafter elected in a county having a population exceeding

one hundred and twenty thousand, practice as an attorney or counsellor in any Court of Record in this State, or act as referee. The Legislature may impose a similar prohibition upon County Judges and Surrogates in other counties. No one shall be eligible to the office of Judge of the Court of Appeals, Justice of the Supreme Court, or, except in the County of Hamilton, to the office of County Judge or Surrogate, who is not an attorney and counsellor of this State.

21. PUBLICATION OF STATUTES.—The Legislature shall provide for the speedy publication of all statutes, and shall regulate the reporting of the decisions of the courts; but all laws and judicial decisions shall be free for publication by any person.

22. TERMS OF JUSTICES OF THE PEACE.—Justices of the Peace and other local judicial officers provided for in sections seventeen and eighteen, in office when this article takes effect, shall hold their offices until the expiration of their respective terms.

23. SPECIAL SESSIONS.—Courts of special session shall have such jurisdiction of offences of the grade of misdemeanors as may be prescribed by law.

#### ARTICLE VII.—STATE DEBTS.

1. STATE CREDIT.—The credit of the State shall not, in any manner, be given or loaned to, or in aid of any individual, association or corporation.

2. STATE DEBTS.—The State may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts, but such debts, direct or contingent, singly or in the aggregate, shall not, at any time, exceed one million of dollars; and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debt so contracted, and to no other purpose whatever.

3. STATE DEBTS.—In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

4. LEGISLATIVE POWER LIMITED.—Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or on behalf of this State, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide

for the collection of a direct annual tax to pay, and sufficient to pay the interest on such debt as it falls due and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it, at such election. On the final passage of such bill in either house of the Legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?"

The Legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage, or at any general election, when any other law or any bill, or any amendment to the Constitution shall be submitted to be voted for or against.

5. SINKING FUNDS.—The sinking funds provided for the payment of interest and the extinguishment of the principal of the debts of the State shall be separately kept and safely invested, and neither of them shall be appropriated or used in any manner other than for the specific purpose for which it shall have been provided.

6. CLAIMS BARRED.—Neither the Legislature, Canal Board, nor any person or persons acting in behalf of the State, shall audit, allow or pay any claim which, as between citizens of the State, would be barred by lapse of time. This provision shall not be construed to repeal any statute fixing the time within which claims shall be presented or allowed, nor shall it extend to any claims duly presented within the time allowed by law, and prosecuted with due diligence from the time of such presentment. But if the claimant

shall be under legal disability, the claim may be presented within two years after such disability is removed.

7. **FOREST PRESERVE.**—The lands of the State, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed, or destroyed.

8. **CANALS.**—The Legislature shall not sell, lease, or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal, but they shall remain the property of the State and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portion of the canals.

9. **THE CANALS.**—No tolls shall hereafter be imposed on persons or property transported on the canals, but all boats navigating the canals, and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The Legislature shall annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals. All contracts for work or materials on any canal shall be made with the person who shall offer to do or provide the same at the lowest price with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the Canal Board may, upon the application of the contractor, cancel such contract.

10. **CANALS.**—The canals may be improved in such manner as the Legislature shall provide by law. A debt may be authorized for that purpose in the mode described by section four of this article, or the cost of such improvement may be defrayed by the appropriation of funds from the state treasury, or by equitable annual tax.



## ARTICLE VIII.—CORPORATIONS.

1. HOW CREATED.—Corporations may be formed under general laws ; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

2. DEBTS.—Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

3. DEFINITION.—The term corporations as used in this article shall be construed to include all association and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

4. BANK CHARTERS.—The Legislature shall, by general law, conform all charters of savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them, have any interest, whatever, direct or indirect, in the profits of such corporation ; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The Legislature shall have no power to pass any act granting any special charter for banking purposes ; but corporations or associations may be formed for such purposes under general laws.

5. SPECIE PAYMENTS.—The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation issuing bank notes of any description.

6. REGISTRY OF BILLS.—The Legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

7. STOCKHOLDERS RESPONSIBLE.—The stockholders of every corporation and joint-stock association for banking purposes shall be individually responsible to the amount of their respective



share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

8. **INSOLVENCY.**—In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

9. **STATE CREDIT.**—Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking. This section shall not, however, prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper. Nor shall it apply to any fund or property now held, or which may hereafter be held by the State for educational purposes.

10. **LIMITATION OF POWER.**—No county, city, town or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become, directly or indirectly, the owner of stock in or bonds of any association or corporation, nor shall any such county, city, town or village be allowed to incur any indebtedness, except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor, as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for State or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water, but the term of the bonds issued

to provide for the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted. Whenever hereafter the boundaries of any city shall become the same as those of a county, the power of the county to become indebted shall cease, but the debt of the county at that time existing shall not be included as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this State, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

11. STATE BOARDS AND COMMISSIONS.—The Legislature shall provide for a State Board of Charities, which shall visit and inspect all institutions, whether State, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, excepting only such institutions as are hereby made subject to the visitation and inspection of either of the commissions hereinafter mentioned, but including all reformatories, except those in which adult males convicted of felony shall be confined; a State Commission in Lunacy, which shall visit and inspect all institutions, either public or private, used for the care and treatment of the insane (not including institutions for epileptics or idiots); a State Commission of Prisons, which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors.

12. STATE BOARDS AND COMMISSIONS.—The members of the said board and of the said commissions shall be appointed by the Governor, by and with the advice and consent of the Senate; and any member may be removed from office by the Governor

for cause, an opportunity having been given him to be heard in his defence.

13. STATE BOARDS AND COMMISSIONS.—Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the Constitution, shall remain in force until amended or repealed by the Legislature. The visitation and inspection herein provided for shall not be exclusive of other visitation and inspection now authorized by law.

14. EDUCATION AND SUPPORT OF BLIND AND OTHERS.—Nothing in this Constitution contained shall prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper; or prevent any county, city, town or village from providing for the care, support, maintenance and secular education of inmates of orphan asylums, homes for dependent children or correctional institutions, whether under public or private control. Payments by counties, cities, towns or villages to charitable, eleemosynary, correctional and reformatory institutions, wholly or partly under private control, for care, support and maintenance, may be authorized, but shall not be required, by the Legislature. No such payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the State Board of Charities. Such rules shall be subject to the control of the Legislature by general laws.

15. STATE BOARDS AND COMMISSIONS.—Commissioners of the State Board of Charities and commissioners of the State Commission in Lunacy, now holding office, shall be continued in office for the term for which they were appointed, respectively, unless the Legislature shall otherwise provide. The Legislature may confer upon the commissioners and upon the board mentioned in the foregoing sections any additional powers that are not inconsistent with other provisions of the Constitution.

#### ARTICLE IX.—SCHOOL FUNDS.

1. COMMON SCHOOLS.—The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated.

2. THE REGENTS.—The corporation created in the year 1784, under the name of The Regents of the University of the State of New York, is hereby continued under the name of The University of the State of New York. It shall be governed, and its corporate

powers, which may be increased, modified or diminished by the Legislature, shall be exercised, by not less than nine regents.

3. **SUPPORT OF SCHOOLS.**—The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies, and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

4. **SECTARIAN SCHOOLS.**—Neither the State, nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

#### ARTICLE X.—COUNTY OFFICERS.

1. **ELECTIONS.**—Sheriffs, Clerks of counties, District Attorneys, and Registers in counties having registers, shall be chosen by the electors of the respective counties, once in every three years, and as often as vacancies shall happen, except in the counties of New York and Kings, and in counties whose boundaries are the same as those of a city, where such officers shall be chosen by the electors once in every two or four years as the Legislature shall direct. Sheriffs shall hold no other offices. They may be required by law to renew their security, from time to time, and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The Governor may remove any officer in this section mentioned, within the term for which he shall have been elected, giving to such officer a copy of the charges against him, and an opportunity of being heard in his defence.

2. **CHOOSING OTHER OFFICERS.**—All county officers whose election or appointment is not provided for by this Constitution, shall be elected by the electors of the respective counties or appointed by the Boards of Supervisors, or other county authorities, as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and vil-

lages, or of some division thereof, or appointed by such authorities thereof, as the Legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

3. **TERM OF OFFICE.**—When the duration of any office is not provided by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

4. **TIME OF ELECTION.**—The time of electing all officers named in this article shall be prescribed by law.

5. **VACANCIES.**—The Legislature shall provide for filling vacancies in office, and in case of elective officers no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

6. **POLITICAL YEAR.**—The political year and Legislative term shall begin on the first day of January; and the Legislature shall, every year, assemble on the first Wednesday in January.

7. **REMOVAL.**—Provision shall be made by law for the removal for misconduct or malversion in office of all officers (except judicial) whose powers and duties are not local or legislative and who shall be elected at general elections, and also for supplying vacancies created by such removal.

8. **OFFICES DEEMED VACANT.**—The Legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this Constitution.

9. **SALARIES.**—No officer whose salary is fixed by the Constitution shall receive any additional compensation. Each of the other State officers named in the Constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use, any fees or perquisites of office or other compensation.

## ARTICLE XI.—MILITIA.

1. **THE MILITIA.**—All able-bodied male citizens between the ages of eighteen and forty-five years, who are residents of the State, shall constitute the militia, subject however to such exemp-

tions as are now, or may be hereafter, created by the laws of the United States, or by the Legislature of this State.

2. THE MILITIA.—The Legislature may provide for the enlistment into the active force of such other persons as may make application to be so enlisted.

3. THE MILITIA.—The militia shall be organized and divided into such land and naval, and active and reserve forces, as the Legislature may deem proper, provided however that there shall be maintained at all times a force of not less than ten thousand enlisted men, fully uniformed, armed, equipped, disciplined and ready for active service. And it shall be the duty of the Legislature at each session to make sufficient appropriations for the maintenance thereof.

4. OFFICERS; HOW APPOINTED.—The Governor shall appoint the Chiefs of the several staff departments, his Aides-de-Camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the Governor shall have been elected; he shall also nominate, and with the consent of the Senate, appoint all Major-Generals.

5. OFFICERS; HOW APPOINTED.—All other commissioned and non-commissioned officers shall be chosen or appointed in such manner as the Legislature may deem most conducive to the improvement of the militia, provided however that no law shall be passed changing the existing mode of election and appointment unless two-thirds of the members present in each house shall concur therein.

6. OFFICERS; REMOVAL.—The commissioned officers shall be commissioned by the Governor as Commander-in-Chief. No commissioned officer shall be removed from office during the term for which he shall have been appointed or elected, unless by the Senate on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the sentence of a court-martial, or upon the findings of an examining board organized pursuant to law, or for absence without leave for a period of six months or more.

## ARTICLE XII.—CITIES AND VILLAGES.

1. GOVERNMENT OF CITIES AND VILLAGES.—It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations.



2. SPECIAL CITY LAWS.—All cities are classified according to the latest State enumeration, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand, or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. Laws relating to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the Legislature at which such bill was passed has terminated, to the Governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same.

In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the Legislature may provide for the concurrence of the legislative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject, as are other bills, to the action of the Governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the Legislature, and it shall then be subject, as are other bills, to the action of the Governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city" or "cities," as the case may be; in every such law which is passed without such acceptance, by the



words "passed without the acceptance of the city," or "cities," as the case may be.

3. CITY ELECTIONS.—All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers, elected before the first day of January, 1895, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.

#### ARTICLE XIII.—OATH OF OFFICE.

1. FORM PRESCRIBED.—Members of the Legislature, and all officers, executive and judicial, except such inferior officers as shall be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability;" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute; any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote," and no other oath, declaration or test shall be required as a qualification for any office of public trust.

2. Any person holding office under the laws of this State, who, except in payment of his legal salary, fees or perquisites, shall receive or consent to receive, directly or indirectly, anything of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offence of bribery.

3. Any person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein-provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or offering of such bribe. Any person who shall offer or promise a bribe, if it be rejected by the officer to whom it was tendered, shall be deemed guilty of an attempt to bribe, which is hereby declared to be a felony.

4. Any person charged with receiving a bribe, or with offering or promising a bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor.

5. **FREE PASSES.**—No public officer, or person elected or appointed to a public office, under the laws of this State, shall directly or indirectly, ask, demand, accept, receive or consent to receive for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another. A person who violates any provision of this section shall be deemed guilty of a misdemeanor, and shall forfeit his office at the suit of the Attorney-General. Any corporation or officer or agent thereof, who shall offer or promise to a public officer, or person elected or appointed to a public office, any such free pass, free transportation, franking privilege or discrimination, shall also be deemed guilty of a misdemeanor and liable to punishment, except as herein provided. No person, or officer, or agent of a corporation giving any such free pass, free transportation, franking privilege or discrimination hereby prohibited, shall be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving of the same.

6. Any District Attorney who shall fail faithfully to prosecute

a person charged with the violation in his county of any provision of this article which may come to his knowledge shall be removed from office by the Governor, after due notice and an opportunity of being heard in his defence. The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery or attempting to bribe any person holding office under the laws of this State, within such county, or of receiving bribes by any such person in said county, shall be a charge against the State, and their payment by the State shall be provided for by law.

#### ARTICLE XIV.—AMENDMENTS.

1. HOW MADE.—Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of Senators, and shall be published for three months previous to the time of making such choice; and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people for approval, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors voting thereon, such amendment or amendments shall become part of the Constitution from and after the first day of January next after such approval.

2. CONSTITUTIONAL CONVENTIONS.—At the general election to be held in the year 1916, and every twentieth year thereafter, and also at such times as the Legislature may by law provide, the question, "Shall there be a convention to revise the Constitution and amend the same?" shall be decided by the electors of the State; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every Senate district of the State, as then organized, shall elect three delegates at the next ensuing general election at which Members of the Assembly shall be chosen, and the electors of the State voting at the same election shall elect fifteen delegates-at-large. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall con-

tinue their session until the business of such convention shall have been completed. Every delegate shall receive for his services the same compensation and the same mileage as shall then be annually payable to the Members of the Assembly. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the Constitution shall be submitted for approval to the electors as hereinafter provided; unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have the power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal and proceedings. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the State at the time and in the manner provided by such convention, at an election which shall be held not less than six weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding section, such constitution or constitutional amendment shall go into effect on the first day of January next after such approval.

3. PRIORITY OF AMENDMENTS.—Any amendment proposed by a constitutional convention relating to the same subject as an amendment proposed by the Legislature, coincidently submitted to the people for approval at the general election held in the year 1894, or at any subsequent election, shall, if approved, be deemed to supersede the amendment so proposed by the Legislature.

#### ARTICLE XV.

1. This Constitution shall be in force from and including the first day of January 1895, except as herein otherwise provided.

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